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*Camden Society. London
Publications
New Series. No. 16*

A COMMON-PLACE BOOK

OF

JOHN MILTON,

AND

A LATIN ESSAY AND LATIN VERSES PRESUMED TO BE BY
MILTON.

EDITED,

FROM THE ORIGINAL MSS. IN THE POSSESSION OF
SIR FREDERICK U. GRAHAM, BART.,

BY

ALFRED J. HORWOOD,

OF THE MIDDLE TEMPLE, BARRISTER-AT-LAW.



PRINTED FOR THE CAMDEN SOCIETY.

M.DCCC.LXXVI.

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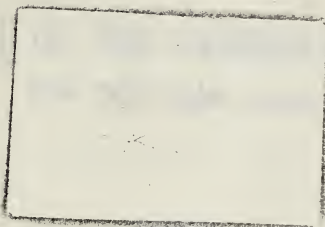
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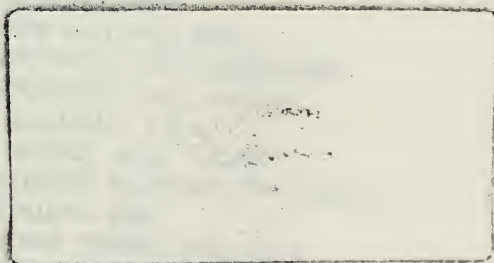


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INTRODUCTION.

JOHN MILTON is admitted to stand second only to Shakespeare in the roll of English Poets. Looking at the numerous testimonies (during his lifetime) to Shakespeare's existence, the number of his plays and poems, the many acquaintances whom his mere profession must necessarily have forced upon him, the friends whom his undoubted genial nature must have secured, and the various business transactions in which he must have engaged before being able to accumulate the competence on which he retired to the country, it seems strange that six or seven signatures are all that remain of the actual writing of him who, in literature, is England's chief glory. But looking at these signatures, and considering the traditions about Shakespeare's youth, it may be doubted if he was ever a good penman: transcripts by other persons of his rough drafts would serve for the Play House and the Press, and his business transactions were most likely effected by scriveners; the circumstances under which he is traditionally reported to have first come to London would perhaps prevent him from corresponding with his country friends; and not even a copy or print of any letter by him exists. Milton, on the other hand, had a liberal education; early in life he made acquaintance with men of good position in England and on the Continent; he was in the service of the State; many of his official and private letters are in print; he was not only a poet but also a politician and a theologian; moreover his handwriting was remarkably good, and up to the age of forty-seven or forty-eight he could see to write: but, a few pages of the

Cambridge MS. (parts of which are by other hands) and three or four letters and signatures, and perhaps a few notes in printed books, are all that has hitherto been known to exist of the writing of a man so celebrated.^a

That Milton was a diligent reader of books we learn from the testimony of his nephew E. Philips; but, if that testimony had been absent, Milton's printed works would have supplied the evidence. His History of England may have occupied some time, and the sources of it lay in comparatively few volumes, which may have been consulted by him *seriatim* as he made progress with the work. But some of his other treatises have reference to Authors of widely different characters and concerning widely different subjects, and the readiness with which his pen could engage in controversy would seem to show that he must have accumulated stores on which he could draw for illustrations, authorities, and proofs. A long list of Authors read or consulted by Milton may be made from his printed works, although he was not profuse in direct citations, and in many instances it is easier to see that he drew from his store of acquired knowledge than to ascertain the exact sources of it; while the wealth of allusion in the great poems composed after he became blind seems impossible except on the supposition of adventitious aid previously prepared.

What might be well conjectured is now proved by the volume found among Sir F. Graham's papers during recent researches made for the Historical Manuscripts Commission; and that volume supplies proof that it was not the only one of the kind compiled by Milton. It contains references to Titles which are not in that volume, and never were in it. Moreover there is a marginal reference in p. 197

* In the autumn of last year Mr. Payne Collier announced that a copy of Cooper's Thesaurus (fol. 1573) in his possession contained numerous notes by Milton; and by Mr. Collier's courtesy I have had the pleasure of seeing it. My visit was too short to justify the expression of more than my opinion, that the specimens which I saw differ from what I had previously known as Milton's writing.

to an *Index Theologicus*, forming a separate volume, or at least a section of another volume.^a The Commonplace Book now printed shows, mostly in Milton's own handwriting, a list of upwards of eighty authors read by him—English, French, Italian, Latin, and Greek. The entries are not mere extracts from these Authors, they are mostly Instances and Conclusions deduced from, or fortified by references to, them. The language is in many cases Milton's, sometimes in English, French, Italian, or Latin.

In one or two cases where the handwriting was by an Amanuensis the entry seems to have been made while Milton dictated the sentence: the scribe has had just time to write or begin words, when (the sentence being incomplete) Milton directed them to be cancelled, and then substituted another phrase. An instance of this treatment is at p. 77. In a letter by Milton to Peter Heimbach written in 1666, he apologises for the bad writing, saying that the boy employed to write was quite ignorant of Latin, and that he (Milton) was obliged to dictate, not the words, but one by one the letters of which they were composed. Such a scribe seems to have made the entry at p. 198, where a second attempt at a proper spelling was as vain as the first.

The leaves of the MS. measure $11\frac{1}{4}$ inches in height by nearly 9 inches in breadth. Originally there must have been 126 leaves, the pagination going from 1 to 250. The leaf of table (the 126th) is not paged. The lower halves of the first seven leaves have been cut off; the leaves forming pp. 33-37, 83-98, 207 and 208, 225-228, and 231-234 have been cut out. Slight fragments of the inner portions of 83-98 remain, and these have been preserved in the rebinding of the volume, because the fragment of p. 87 shows remains of writing (not by Milton's hand) placed transversely and cut through. As the table at the end is perfect, and

^a At p. 221 is a reference to *another* or *the other* Index. But, as *Papa* is the subject, it seems that the *Index Theologicus* was intended.

as all the titles there are found in the MS. as it now exists, it may be concluded that none of the text of the volume has been removed. The cover was rough brown sheep-skin without any trace of lettering, and neither the cover nor its contents contained any name of the original or any later possessor.^a

Attention may be drawn to a few of the entries in the volume. At p. 5 Milton notices (from Beda) Cædmon and his poetry. Francis Junius, the possessor of the MS. (now in the Bodleian Library) of Cædmon's metrical Paraphrase, was one of Milton's friends, and may have shown the MS., or may have communicated the contents to him. Some have supposed that Milton took some hints from this poem for the framework of *Paradise Lost*.—At p. 109 is a remark showing Milton's displeasure at the marriage of Charles I. with one of the Roman Catholic belief.—At p. 179 he brands the Law French, then (and for nearly a century later) used in Law Reports, as "gibberish."—At p. 180 his remark on the tendency of the English to follow French fashions would seem to lead to the inference that the sentence was written soon after the marriage of Charles I. There is evidently an allusion to Charles I. at p. 246, where remonstrants are by the Prince treated as Rebels.

It will be noticed that the numerous original chroniclers and writers of English history vouched by Milton in his *History of Britain* do not seem to have been read by him while the *Commonplace Book* was in process of compilation. I have examined the prose works of Milton with a view to find how far this *Commonplace Book* was made serviceable in his various compositions; for facility of reference, use has been made of the edition, in one volume, by Robert Fletcher, 8vo., Lond. 1858, and notes will direct the

^a The leaves are much damp-stained. The volume has been rebound by Mr. Zaehnsdorf, and he has strengthened and admirably treated the leaves without in the least affecting the various tints of the inks used by the writers.

reader to those passages in which entries in the Commonplace Book have been clearly utilised.^a These are but few; longer research will probably produce more. The other Commonplace Book, which, as before noticed, Milton seems to have compiled, would doubtless (if present) have caused more references. It is noticeable that no use seems to have been made of many entries on subjects to which Milton specially addressed himself, and where citations of, or references to, authors of repute would have added force, or at least authority, to his own arguments. Such an absence of citation^b is not however to be wondered at when the temper of Milton's mind is considered; for it was characterised by aversion from authority. We know, from what he has written of himself, the ardour and extent of his studies, his consciousness of ability, and his determination to leave somewhat which the world would not willingly let die; so the written thoughts of other authors were used by him as mental food to be digested and assimilated, and at fit times to be reproduced from his brain in better or varied forms. Milton seems to have had an exalted idea of himself and his doings. At the age of forty he thought it not unbecoming, in a controversial treatise (*The Second Defence of the People of England*), to dilate with complacency on the graces of his person; and a few years before, in the *Apology for Smectymnus*, he filled several pages with an account (and very interesting it is) of his great diligence in study and the pursuit of virtue; so it is not surprising that at the more youthful age of thirty he gave a grandiloquent account to a friend of the extent of his recent studies. In a letter to Carlo Deodati dated 23rd of September, 1637, he says, "I was long employed in unravelling the obscure history of the Italians

^a These passages are at pp. 67-69 of the present volume, and are referred to by means of the Roman numerals (in brackets) in the text of the volume.

^b There is in the second book of *The Reason of Church Government urged against Prelaty* a passage in scorn of "men whose learning and belief lie in the marginal stuffings."

under the Lombards, the Franks, and Germans, to the time when they received their liberty from Rodolphus King of Germany." Anyone would suppose that Milton had been wading through all or most of the writers who treated of that history during the seven centuries indicated. The *Commonplace Book* however shows that we need not conclude more than that he had been reading, in a single volume, the *History of Italy* by Sigonius^a from A.D. 570 to A.D. 1286, the exact space of time referred to by Milton.

The handwriting of Milton has been the subject of a monograph by the late Mr. Leigh Sotheby, whose volume contains a full account of the Milton MSS. at Cambridge, and of the few others then known. Sir F. Graham's volume contains a great mass of writing by the Poet's hand, though, it must be confessed, it is not of the like interest with the Cambridge volume, because it does not contain any purely original compositions. The entries in the *Commonplace Book* are by five or six hands. The greater number are by Milton at various periods of his life, mostly before his going into Italy. Two (in p. 197) are by Daniel Skinner. Some entries are by one of the hands that copied parts of the *Treatise De Doctrinâ Christianâ*, now in the Public Record Office, and edited by Mr. (afterwards Bishop) Sumner in 1825. Some are by the hand which copied the Sonnet No. 17 in the Cambridge MS.; one (at least) is by the hand that made the transcript of the First Book of *Paradise Lost* in the possession of Mr. Baker of Bayfordbury; and some are, I feel satisfied, by Sir R. Graham of Netherby, Viscount Preston. The autotypes which accompany the present volume give specimens of all but two of the different handwritings contained in Sir F. Graham's MS. Milton's writing generally speaks for itself. Mr. Sotheby's volume, and the fac-

^a Caroli Sigonii *Historiarum de regno Italie* libb. xx. qui libri historiam ab anno DLXX. usque ad MCCLXXXVI. quo regnum interijt. et libertas Italie redempta est continent. Francofurti MDXCI. (This was the edition used by Milton.)

similes in the printed edition of the Treatise De Doctrinâ Christianâ, and in the English translation of it, and in Professor Masson's Life of Milton, will enable anyone to compare all the specimens except those of the entries by Lord Preston's hand. The small writing by Milton is of earlier date than the large.

Milton's writing has some distinguishing marks. He is not careful, after a full stop, to begin the following sentence with a capital letter;^a he is indifferent to the correct spelling of names of persons; he always writes *prælacie*, *præcept*, *prætence*; ^b he always writes *thive* or *thir* for the possessive pronoun *their*.^c

^a In the print this peculiarity is only shown in a few entries.

^b Milton was not alone in this practice. It was rather common in the seventeenth century. Lord Anglesey, who was an acquaintance of Milton, spelled in the same way.

^c I have seen the MS. poem found by Mr. Morley at the end of Milton's Poems (8vo. 1645): the use of the form *their* is alone, I think, conclusive against its being by Milton's hand; and there are objections in the writing, particularly the form of the small *h*. The bad grammar and the full stuffing of *conectti* are strong arguments against it being composed by Milton. The use of the same form *their* in the poem signed J. M. written on a blank page of Rosse's Mel Heliconium is, I think, fatal to the claim of those verses to be by Milton's hand; and the small *e* there most frequently used is not that used by Milton. In the initials J. M. appended to that poem the J. is not crossed, a variation from all the undoubted signatures of Milton, and the M. (as Mr. Sotheby admits) is at variance with that used by Milton.

It is remarkable that both poems introduce the Bee, and the alchemical fiction of a flower being reproducible from its calcined ashes.

Among the MSS. of Sir Reginald Graham, Bart. is a volume of poetry containing an epitaph on Madam Elizabeth Swettenham in 14 lines, where the similarity of the 12th and 13th lines to the 3rd and 4th of the disputed poem is noticeable.

Begins,

Ends,

If chearfull, chaste as are the snows.

No soul can be more blest than this,

Whose sacred reliques in this urn

Are kept until the Soul's return,

To re-unite itself to its known mate,

And raise these reliques to an happier state.

The same volume of poetry contains the following, "Julii Mazarini Cardinalis Epitaphium. authore Joh. Milton." The writer then gives the last three lines of

The handwritings of which the three plates in this volume do not contain specimens are free and flowing, and the letters of each word are, generally, connected. Some of the entries from Italian works are by those hands, *e. g.* those from Berni at p. 71, and from Boiardo at pp. 77 and 187: and of a smaller kind those from Macchiavelli's *Discorsi* at pp. 148, 185, 198, 242, 243, 245, and 246, which latter, though in some respects they resemble some of Milton's writing, I think cannot be said certainly to be by him. The doubly looped *f*, the full loop to *l*, *b*, and *h*, are forms not affected by Milton; and the capital *M* in two of these latter entries is so formed that the last limb represents a capital *C* not looped.

the long sarcastic epitaph on Cardinal Mazarin which may be found at length in Charles Gildon's *Miscellany Poems*, 8vo. Lond: 1692, and in vol. i. part 2 of the *State Poems*, in both of which collections it is attributed to Milton. These three lines he expands into ten lines of English verse. Then he copies the Latin epigram on Pope Boniface the VIIIth (also to be found in Gildon's *Miscellany Poems*, and the *State Poems*) and gives a poetical version of it. The same volume of MS. poetry contains "To a friend upon reading Mr Charles Gildon's *Miscellany Poems*" (eighteen lines).

Begins.

I have, Sir, by a transient look

Travers'd this miscellaneous book:

Pardon the ink which I have spilt on

The two quaint epitaphs by Milton. (Pp. 29, 33.)

The reference to pp. 29 and 33 are evidently to the pages of Gildon's volume; the epitaph on Mazarin being at p. 29, and the epigram on Boniface at p. 33. So that Gildon, who was a cotemporary of Milton, attributed these two Latin productions to him.

Charles Gildon was a friend of Charles Blount, whose *Miscellaneous Works* were published collectively in 1695, in one volume, in which is a long preface by Gildon to the *Oracles of Reason*. One of Blount's productions is "A just vindication of Learning and the liberty of the Press," a tract of not quite twenty-three pages; at p. 4 of which he says, "I cannot but herein agree with Mr. Milton and say that (unless it be effected with great caution) you had almost as good as kill a man as kill a book." At p. 5 he says, "I shall here demonstrate the unreasonableness of any such license or *Imprimatur*." Passages equal to seven pages of this short tract are, with some trifling alterations, afterwards conveyed from Milton's *Areopagitica*, without the slightest acknowledgment of the source. They are worked up into Blount's tract so as to lead a reader to suppose that they are original.

The entry in p. 185 would seem to have been the last thing placed on that page: it is important, as containing the dictum that against an evil prince the sword is the only remedy. Whether by Milton's hand or not, the entry was made in his lifetime. The head word *Divitiæ* at p. 148, which page contains nothing but a note from Macchiavelli, seems to be by the copier of that part of the treatise *De Doctrinâ Christianâ* of which a specimen is given in plate xx. No. 2 of Mr. Sotheby's work.

Such of the entries in the Commonplace Book as are not by Milton's hand are in the present volume printed in Italic letters. In a few of the margins will be found references, by means of numbers in brackets, to similar handwritings copied in Mr. Sotheby's volume: the first number indicates the plate; the second number indicates the specimen in that plate.^a A table of the authors cited is added, and will be found at pp. 64-66 of the present volume.

In the middle of the Commonplace Book was found a short letter by Henry Lawes to Milton. We know that Lawes set to music some of Milton's poetry, and that Milton addressed a Sonnet to him. This letter shows that he had influence enough to get the licence necessary to enable his friend to leave England for the Continent. The letter is without date, but the wording of it proves it to have been written before 1643. The writer says that he sends to Milton a letter from the Lord Warden of the Cinque Ports, and that if Milton intended to write himself he could not have a safer convoy for both than from Suffolk House. Now, in 1638 Theophilus Howard Earl of Suffolk was Lord Warden of the Cinque Ports; and his town house at Charing Cross was known as Suffolk House. In 1642 that house was purchased by Algernon Percy Earl of Northumberland, and the same house was afterwards

^a Two mistakes in these references are noted in the *Corrigenda*.

called Northumberland House. As we have no intimation from any source of an intention by Milton to make a second journey abroad, it may be safely concluded that the letter was written on the occasion of Milton's preparation for his continental excursion in 1638.^a

The following is a full copy of the letter:

Sir, I have sent you with this a letter from my Lord Warden of the Cinque Ports under his hand and seale, which wilbe a sufficient warrant to justify your goinge out of the King's Dominions; if you intend to wryte yourselfe you cannot have a safer convoy for both than from Suffolk House, but that I leave to your owne consideration and remaine your

faithfull frend and servant,

HENRY LAWES.

(Address) any waies Approved.

Mr John Milton

haste these.

This letter is much disfigured, it having seemingly been used as blotting paper in the course of making entries in the volume.

On the back of the letter are the following lines by Milton's hand:

Fixe heere yee overdaled sphears

That wing the restless foote of time.

The Latin prolusion or address in favour of early rising, and the verses which follow it, and which embody the same ideas as those

^a I am enabled to add an interesting item to our scanty knowledge of Milton's doings abroad. In the Travellers' Book of the English College at Rome it is recorded that on the 30th of October, 1638, Milton and his servant, and N. Cary, brother of Lord Falkland, Dr. Holding of Lancaster, and N. Fortescue dined at the college.

The entry, which was sent to Sir T. Duffus Hardy by Mr. Stevenson (now at Rome examining the Vatican MSS. for our Government), is as follows, "Octobris die 30, Pransi sunt in Collegio nostro Illustrissimus D. N. Cary frater baronis de Faulkland, Doctor Holdingus, Lancastrensis, D. N. Fortescuto, et Dominus Miltonus, cum famulo, nobiles Angli, et excepti sunt laudè."

contained in the prose composition, are on a single leaf of foolscap paper much damaged by damp and its left margin destroyed. In the left-hand margin on a level with the first line is the name *Milton*. When I first discovered the paper, and for some days afterwards, the letters *es* were visible immediately preceding the word *Milton*; but that portion of the paper soon crumbled into dust. That the marginal words were *Johannes Milton* may be safely conceded. The leaf was found loose in the same box with the Commonplace Book. The ideas expressed in these two short compositions are not recondite, but they show the same delight with the beauties of Nature which Milton afterwards expressed in choicer language. I conclude that these are juvenile efforts of Milton which he did not think worthy of publication when in 1674 he gave to the world the *Prolusiones Oratoriæ*. In support of the opinion that John Milton the poet was the composer of the contents of this single leaf, the following passages from his acknowledged writings may be cited.

In the Prolusion *Utrum Dies an Nox præstantior sit?* are the following passages:

Et certe primo quam omnium animantium stirpi grata sit et desiderabilis [Dies], quid opere est vobis exponere? cum vel ipsæ volucres nequeant suum celare gaudium, quin egressæ nidulis, ubi primum diluculavit, aut in verticibus arborum concentu suavissimo deliniant omnia, aut sursum librant se, et quam possunt prope solem volitent, redeunti gratulaturæ luci. Ac primus omnium adventantem Solem triumphat insomnus gallus, et quasi præco quivis, monere videtur homines, ut excusso somno prodeant, atque obviam effundant se novam salutatum Auroram: tripudiant in agris capellæ, totumque genus quadrupedum gestit et exultat lætitia Caltha quoque et Rosa ne nihil addant communi gaudio, aperiéntes sinum, odores suos Soli tantum servatos profusè spirant, quibus noctem dedignantur impertiri cæterique flores inclinata paulum et rore languidula erigentes capita quasi præbent se Soli

Ipsa quoque Tellus in adventum Solis cultiori se induit vestitu, nubesque juxta variis chlamydatæ coloribus, pompa solemnî, longoque ordine videntur ancillari surgenti Deo.

In *L'Allegro*.

To hear the lark begin his flight

* * * *

While the cock with lively din
Scatters the rear of darkness thin,
And to the stack or the barn-door
Stoutly struts his dames before.

* * * *

Right against the eastern gate
Where the great sun begins his state
Robed in flames and amber light
The clouds in thousand liveries dight.^a

I should have liked to have added to this volume a fac-simile of the whole or portion of the leaf containing the Latin prolusion and verses, so that those well acquainted with Milton's writing might judge if they were by the poet's hand.^b The writing is not as a whole like any that has been heretofore known as Milton's. It is a stiff legal hand, with a shade of timidity. The capital letters (except *J*) are wholly different from those known to be by Milton, and the small letters *e* (except where the Greek *e* occurs) *h* and *r* are such as he never used so far as hitherto known. But it must be recollected that Milton's father was a Scrivener, and the poet most likely in early years used to write in the fashion which he saw exercised at home. The writings now in question may have been executed when he was at St. Paul's School, or in his early college days; and the necessity of sending up a neatly written copy

^a See also *Paradise Lost*, book iv. lines 623, 641-645; book v. lines 1-6, 20-25.

^b As this could not be done, I have had a few copies taken, and have deposited one (and also one of the letter by Lawes) at the British Museum.

could not prevent the Greek *ε* which Milton afterwards, for a long period, adopted from appearing now and then. Even here appears occasionally the disconnection of letters which was afterwards one of the characteristics of Milton's writing: and in the latter lines of the verses a likeness to some of Milton's undoubted writing is visible. I must, however, express my doubt whether the writing is by a juvenile hand.

How or when the Commonplace Book came amongst the Netherby MSS. is not known. The late Sir James Graham concluded that it contained some writing by Lord Preston. Whether Lord Preston had any acquaintance with Milton or any of his family is uncertain: from his letters it is clear that he was a collector of books and of MSS.^a and curious about literary matters. It is said that Milton gave away or disposed of his library before his death: but it is not likely that he would have parted with his Commonplace Books; his daughters however are said to have made free with his books; so that this may have been one which they disposed of, and which Lord Preston secured; or again he may have procured it directly or indirectly from Daniel Skinner, who after Milton's death carried off into Holland some of Milton's books.^b This last conjecture seems probable. It is known that Skinner transcribed portions of the Treatise *De Doctrinâ Christianâ*, and the first and third entries at p. 197 of the Commonplace Book (see Autotype) are by Skinner's hand. He was with Lord Preston at Westminster School, and when the latter was Envoy at Paris in 1682 Skinner wrote two

^a A copy of the sale catalogue of Lord Preston's large library (sold at London in 1696) is at Longleat. Among the books is a copy of Bodin's Treatise on a Commonwealth translated into English (fol. Lond. 1606). All the extracts from this translation are in Lord Preston's writing. The single note by Milton from Bodin, p. 189, seems to be from a Latin edition.

^b See an unsigned letter among the MSS. of the Marquis of Bath. (Appendix to Fourth Report of the Historical MSS. Commission, p. 231, col. 1.)

letters in French^a to him asking for employment under him, and mentioning his own early schooldays and his proficiency in the French language. For one of these letters he used a seal impressions of which are found on several letters to Lord Preston by a spy employed by him at Paris; so that it is probable that Skinner's services were made use of:^b and the volume now printed may have been an offering to obtain or retain the favour of his old schoolfellow. The question how it came to its present resting-place is of secondary interest. The authenticity of the volume is unquestionable.

Sir Frederick Graham, thinking it unwise to leave such a record of some of the studies of a great man to the charge of a single manuscript, very kindly approved my suggestion to have the contents printed, and most liberally entrusted the volume to my hands for that purpose. The publication of it in the ordinary way would not (I was informed by a publisher) have been remunerative: hence the means now adopted for its perpetuation. The thanks of many besides the Members will be given to the President and Council of the Camden Society for printing such an interesting document, and to Sir F. Graham for making it known and allowing its publication.

A. J. H.

^a Among Sir Frederick Graham's MSS.

^b A short unsigned letter of advice is, I think, by Skinner's hand.

JOHN MILTON'S

COMMONPLACE BOOK.

INDEX ETHICUS.

1

Malum morale.

4

In malo morali potest multum esse admistum boni, idque arte singulari; nemo venenum temperat felle et helleboro sed conditis pulmentis et bene saporatis: ita diabolus letale quod conficit rebus dei gratissimis imbuat, etc. *Tertull.* de spectaculis, p. 102, edit. Rigalt.

Cur permittit deus malum? ut ratio virtuti constare possit. virtus enim malo arguitur, illustratur, exercetur, quemadmodum disserit *Lactantius*, l. 5, c. 7, ut haberet ratio et prudentia in quo se exerceret, eligendo bona, fugiendo mala. *Lactan.* de ira dei, c. 13, quamvis et hæc non satisfaciunt.

De viro bono.

5

Cur viri boni et alioquin egregii inertis ut plurimum et pusilli animi speciem præ se ferunt, primoque intuitu nullius esse pretii videntur, respondet *Lactantius* ut haberent unde summam virtutem patientiam possent quotidie exercere, l. 6, c. 18.

Vir bonus aliquâ ratione etiam angelos excellere videtur, cò quod ille infirmo et mortali corpore involutus, cupiditatibus semper col-

luctans, vitam tamen cœlestium similem agere aspirat. Homil. in Gen. 12, prope finem.

Summa viro bono habita reverentia a populo etiam furente. Perché si vegga che la ve[ra] virtù è sicura in ogni estremo pericolo, anchora tra'l furore de nemici in qual vespro Siciliano sanguinoso, di tanta multitudine uccisa, per universal consenso di tutti Siciliane fù salvato un Cavagliere di nation provenzale assai nobile, chiamato Guglielmo Porcelletto, per la gran virtù e bontà sua nota à tutti i populi di quella Isola. Angelo di Costanzo, Hist. di Napoli, l. 2, p. 38.

6

De Virtute.

Quicquid speciosum est non statim virtus est dicenda. Sic Philippus Mariæ reginæ maritus Elizabetham tollere non sustinuit, non tam quod sanctus quod clemens ut vulgo creditur, quod mitis ingenii, sed quod prævideret tunc fore ut Maria Scotica Gallo desponsata si forte in regnum succederet, imperium Britannicum Gallico adjunctura esset: ut *Camden*, *Elizab.* fol. 13.

12

Avaritia: vide de bonis Ecclesiasticis.

Clericorum avaritiam aperte notat *Dantes*: Inferno, cant. 7.

Mango imperadore de' Tartari per ammaestramento del re d'Erminia si battezzò et mandò Aloon suo fratello con grandissimo essercito per conquista rela terra sancta. scontesse il Caliph de Baldac et presolo et in pregione missolo in una torre ove egli haveva raunato molto tesoro et per avaritia non havea voluto soldare cavallieri a sua difensione, lo affamò dicendo che convenia vivesse del suo tesoro e di quello mangiasse senza altra vivanda haveve. *Gian Villani*, l. 6, c. 61.

Martino quarto: vide de bonis eccles.

13

Gula.

Tertullianus eleganter vocat homicidam gulam et suppliciis inediæ puniendum ait, etiamsi deus nulla jejunia præcepisset,

quia in eam primus parens lapsus est. de Jejuniiis, p. 703, edit. Rigalt.

The Englishmen said to have learnt thire gourmandizing of Hardiknute the Danish K. *Holinsh.* in his life. noted also of immoderat feasting by *Jovius*, Hist. l. 11, 180. [i.]

The Indians in Summatra, great gluttons, renew thire stomach by chewing an hearb call'd Arecca betula. *Parchas*, tom. 1, 132.

De Libidine.

14

Παιδερασία seu ἄρρενοκοπία. Quid potest esse sanctum iis qui ætatem imbecillam et præsidio indigentem libidini suæ depopulandam fœdendamque prostraverint. *Lactant*, l. 6, c. 23.

In fabulis nostris notatur Sodomitici peccati rex Mempricius.

Stuprum. Gentem e stupris illicitoque conjugio natam ignoram et perniciosam patriæ futuram ait Bonifacius in illâ egregiâ ad Ethelbaldum Merciorum regem epist. *Malmesbur.* l. 1.

Duarum virginum Belgicarum egregiè stuprum illatum ulciscientium, exempla vide apud *Thuan.* Hist. l. 66, p. 267, 268.

Castitas.

15

Ebba monacha nasum sibi et labia truncavit, idemque cæteris severibus suasit ut hoc modo elusi Dani nihil in earum pudicitiam tentarent. *Sto ex Flor.* Hist. p. 78.

Mors spontanea.

16

Pœnam eorum apud inferos scitissime describit *Dantes*, Inferno, cânt. 13.

Whether lawfull, disputed with exquisite reasoning. *Sir Philip Sid.* Arcad. l. 4, 419, &c.

Ebrietas.

17

King Edgar's law against drunkennesse. *Stow*, p. 85. Which Englishmen are said to have learnt of the Danes in his days. *Holinshed*, l. 6, c. 23.

Of Healths. Sir Phil. Sidney. That barbarous opinion beeing generally among them to think with vice to doe honour, and with activity in beastlines to shew abundance of love, made most of them seek to shew the depth of thir affection in the depth of thir draught. *Arcad.* l. 2, p. 201.

Inebriandi consuetudo, etiam siccam ebrietatem animo inducit. Quod de Alberto Brandeburgico notat *Thuanus* his verbis, plane de eo approbatum est, ebrietatem violatâ semel et exasperatâ mentis sanitate, necessariò crudelitatem habere comitem: nam cum frequenti ebrietate exire de potestate suâ longo usu consuasset, fiebat ut insanie consuetudine duratâ, immanitas etiam sine vino in illo valeret. *Hist.* l. 12, 358.

18

De Fortitudine.

Fortitudo hominis non in corpore sed in ratione, quæ firmissimum hominis præsidium et munimentum est, consistit. quod hinc liquet hominem hoc solo rationis adminiculo etiam in robustissima quæque animalia dominari, et nocere posse, si libet. *Lactant.* de opif. dei, c. 3.

Obsidionem Magdeburgæ vide apud *Sleidan.* l. 20, &c. fidei et fortitudinis Christianæ exemplum reperies.

The cause of valour a good conscience: for an evil conscience, as an English author noteth well, will otherwise knaw at the roots of valour like a worm, and undermine all resolutions. *Ward*, Militar. sect. 7.

19

De Duellis.

Not certain in deciding the truth, as appears by the combat fought between two Scots before the L. Grey of Wilton in the market-place of Haddington, wherein Hamilton that was almost if not cleerly known to be innocent was vanquish't and slain, and Newton the offender remained victor and was rewarded by the Ld. Grey. *Holinsh.* p. 993.

Egregium et fortissimum Cai Marii responsum ad Teutonem provocantem lege. *Frontin.* l. 4, c. 7

Duellorum antiquitas. Probande fidei causa, primus occurrit Bonifacius sub Valentiniano tertio militiæ duæ qui Actium proditionis in se compertum singulari certamine fidei suæ probande gratia provocavit, commissoque Placidie permissu p[r]elio superavit. Sigon. de imp. occid. l. 12, p. 203, an. dom. 432. (21, 10)

De morte.

20

Mortem esse finem ærumnarum. Theophrastus.

Quietem infelicium. Cæsar. Et neuter eorum immortalitatem animæ agnovit. Bodin, c. 5, l. 2.

De scientiâ literarum.

53

An liceat profanis scriptoribus operam dare, affirmat *Socrat.*, l. 3, c. 16. cum aliis rationibus solidis usus, tum Pauli apostoli exemplo, et antiquissimorum Ecclesiæ doctorum. Vide et *Euseb.* l. 7, c. 7, de Dionysio Alexandrino. Sensit etiam impius Julianus quibus annis labefactari suorum causa posset cum Christianis interdixit poetice rhetoricæ et philosophiæ lectionem τοῖς οἰκείοις γὰρ inquit πτεροῖς κατὰ τὴν παροιμίαν βαλλομεθα. *Theodoret, Hist.* l. 3, c. 7.

The noble K. Alfred, a great lover of learning. *Malmesbur. Sto.* p. 80. his excellent stature [statute?] for training up all the English till 15 years old in learning; see *Speed*, in his Life.

Two Englishmen, Alcuin and John, by appointment of Charles the Great founded the two cheifest and ancientest universities of Europe, Paris and Pavia. *Girard, Hist. France*, l. 4, pp. 218, 219.

That princes ought to be learned, especially in histories, *Comines* well shew. *mémoires*, l. 2, c. 6.

Linguarum peritiam etiam in Ecclesiâ perutilem esse senserunt Waldenses, ut fideles aut pulsî patriâ, aut a suis ecclesiis missi, copatiores ad docendum essent. *Gilles, Hist. Vaud.*, c. 2, p. 16. [ii.]

Ordines Hollandiæ in medio etiam bellorum æstu tanquam pacatis rebus ne literarum cultum et liberorum institutionem rebus adhuc vel maxime dubiis negligere viderentur, Academiam Lugduni Bata-vorum instituerunt amplis ex sacro patrimonio vectigalibus attri-butis. *Thuan. hist.* l. 60, p. 81.

55

De Curiositate.

Quæstiones profundas de deo quas humana ratio difficilius interpretetur, aut assequatur, aut non cogitandas, aut silentio premendas ne in vulgus edantur, deturque hinc materies schis-matum in Ecclesiâ, sapientissime monet *Constantinus* in Epist. ad Alexandrum et Arium. *Euseb.* in ejus vitâ, l. 2, c. 77, et apud *Socrat.* l. 1.

Sophistas noctuis assimilât *Basil.* qui in rebus minutis et obscuris oculati sunt aut ita credi volunt, in rebus solidis, et conspicuæ veritatis, scientiæque salutaris cæcutiunt, illa enim nocte acutum cernit, interdiu caligat. *Hexam. Homil.* 8. 107.

Theologorum Parisiensium stolidas velitationes depingit *Slei-danus*, l. 3, p. 36.

57

De Poeticâ.

De poetâ Anglo subito divinitus facto mira et perplacida historiola narratur apud *Bedam.* Hist. l. 4, c. 24.

Rex nobilissimus Alfredus Saxoniciæ poeseos peritissimus. *Sto.* p. 80.

Poeticen ad virtutis studium accendendum in animis hominum a deo edoctam *Basileius* monet ἐπειδὴ γὰρ εἶδε τὸ πνεῦμα τὸ ἅγιον, δυσάγωνον πρὸς ἀρετὴν τὸ γένος τῶν ἀνθρώπων, καὶ διὰ τὸ πρὸς ἡδονὴν ἐπιρρέπες τὸν ὀρθὸν βίον κατα μελουντας τί ποιεῖ; τὸ ἐκ τῆς μελωδίας τερπνοντοῖς δογμασιν ἐγκατεμίξεν, ἵνα τῷ προσηγεῖ καὶ λέεω τῆς ἀκοῆς τὸ ἐκ τῶν λόγων ὀφελίμον λανθανόντως ὑποδεξώμεθα, etc. *Homil.* in *Psal.* 1 proæm.

Numidian poets, Leo Afer in *Purchas*, tom. 2, 759; et *Leo Afer*, edit. Lugdun. l. 2. 212, etc. and *Purchas* ex Leone, l. 2, tom. 2, 795.

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CHAPTER I

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CHAPTER II

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Epitaphia.

58

The Inquisitors of Venice worthily condemned the bookes of Peter Aretine, called the Scourge of Princes, for the filthynesse of them, and it is reported that they also commanded his horrible Epitaph to be blotted out which was set in the church of St. Luke in these words :

*Qui giace l'Aretin poeta Tusco,
Chi disse mal d' ognun' fuora che di Dio,
Scusandosi, dicendo, io no' l' conosco.*

*Here lyes Aretine, a poet of Tuscany,
Who spake ill of all but God,
Excusing himselfe, saying I know him not.*

Notwithstanding his vitious life and writings hee found one panegyrist, for Ariosto speakes of him thus :

*Ecco il flagello dei Principi,
Il divin Pietro Aretino.*

Fynes Morison's Itinerary, edit. Ang. Lond. part i, l. 2, cap. 1, pag. 82. [iii.]

Upon the sepulchre of John Boccacio, one of the refiners of the Italian tongue, at Castel Certaldo in Italy, these verses are written on his statua without a beard carved in marble being set upon his Tombe :

*Hac sub mole jacent cineres ac ossa Johannis ;
Mens sedet antè Deum meritis ornata laboris ;
Mortalis vitæ et genitor Boccatius, illi
Patria Certaldo, studium fuit alma Poesis.*

De Morison, pag. 164.

Rhetorica.

59

* Ἡ ρητορικὴ ἐστὶν ἀντιστροφὸς τῇ διαλεκτικῇ, etc. *Ar. Rhet. Art. l. 1, c. 1.* Οὐκ ἐστὶν τινὸς γένους ἀφορισμενὸς ἡ Ῥητορικὴ, ἀλλὰ καθάπερ ἡ Διαλεκτικὴ καὶ ὅτι χρήσιμος καὶ ὅτι οὐ τὸ πείσαι ἔργον αὐτῆς, ἀλλὰ τὸ ἰδεῖν τὰ πιθάνα. *Cap. eodem.*

Rhetorica est facultas in quaque re videndi quod contingit esse idoneum ad faciendam fidem, cap. 2°.

61

De Musica.

An Ecclesiâ alternis canere primus instituisse dicitur Ignatius Antiochensium episcopus post Petrum tertius. *Socrat.* l. 6, c. 8. [Small writing.]

Organa primum in Galliâ.—Les Ambassadeurs de Constantin emperour Grec apportèrent a roy Pepin des Orgues, qu'on n'avoit pas encore veues en France. *Girard.* Hist. France, t. 3, p. 138.

Guido Aretinus rationem cantandi hodiernam adinvenit, per Gamma, uth, re, mi, etc. circa annum 1000. *Girard,* Hist. France, l. 6, p. 337.

67

Consultatio.

Quatenus credendum et obsequendum sit prudentum consiliis sapienter docet Cominæus, rationesque reddit gravissimas; errare etiam sæpissime prudentes, vel affectibus ducti, vel ut æmulis partes tueantur contrarias, vel aliquando, ut fit si forte corporis vel animi habitu sint minus sano. *Comin.* l. 2, p. 94, edit. Gall. Paris.

70

Ignavia.

Ignavorum pœna apud inferos qui nihil in hac vitâ benè, vel quod insigniter sit malum, egerint, describitur à Dante Florentino; perpetuâ scilicet inquietudine et quodam æstro incessum agitantur. *Dante,* Inferno, cant. 3. [Small writing.]

71

De Mendacio.

Semper veritatem dicere solet vir bonus, inquit *Clemens* πλην εἰ μήποτε ἐν θεραπείας μερεὶ καθάπερ ἰατρός πρὸς νοσοῦντας ἐπὶ σωτηρία των καμνοντων ψευσεται ἢ ψεύδος ἐρεῖ, etc. *Strom.* l. 7, p. 730.

Salutis publicæ causâ hinc illud *Torquati* ubi Sophroniam introducit surrepti Idoli noxam in se transferentem quamvis id verum

non esset, ut tamen populum Christianum ab internecione liberaret. Magnanimitas menzogna, or quando è il vero, si bello che si possa a te preporre? Il. Goffredo, cant. 2, stanz. 22.

Similiter Bernia Hetruscus poeta nobilis in l' Orlando Inamorato, (16, 4) l. 2, cant. 20, stanz. 2.

*La verità e bella ne per tema
Si debbe mai tacer, ne per vergogna,
Quando la forza e l'importanza preme
Tal volta avien che dirla non bisogna,
Per fiction non cresce il ver ne scema,
Ne sempre occulto è di chiamar menzogna
Anzi valente molte volte viene
Et savio detto quel che occulto il tiene
D'ambe due queste parte di prudentia
If figliuol di Laerte esempio danne, etc.*

De furto et latrocinio.

72

Furta et latrocinia ita compescuit Edwinus Northumbriæ rex ut tuto cuilibet liceret ubivis per universum ejus regnum iter facere. *Malmesbur. et Sto. [iv.]*

Alfred also is said to have hung chains of gold and bracelets in the crosse high ways to see what theefe durst touch 'em, so severely was justice administerd against them. *Sto. out of Asserius.*

Edgar also famous for this kind of justice. *Stow. [v.]*

And before them all Dunwallo Molmutius: as *Holinshed.*

Athelstane's law to attach such as stole above the valew of 12*l.* at above the age of 12 years. *Speed.*

William the Conquerour provided well against theeving. *Stow,* in his 20th year. *Holinsh. p. 15.*

De fide servandâ.

73

Anlaf's souldier præserveth by rare example his faith both to his former captaine and Athelstan: see his life. *[vi.]*

74

De Justitiâ.

Edgar, a great overseer of Justice amongst his judges. [vii.] And Edward the I. who punish't almost the whole magistracie at once for thire injustice. *Holins.* 284, 285, and p. 312.

Against bribing, Ed. 3 provided. *Holins.* 369. Sir Hen. de Bath a famous briber and corrupter of Justice to maintain his wives pride, beeing of high descent. *Speed*, p. 541.

But farre more renowned was the lady of Sir Stephen Scroope, who, by threatning to forsake her husband unlesse he would discharge his lieutenantship of Ireland justly, reclaim'd him and made him a worthy man. *Campion*, Hist. Ireland, p. 93.

Hen. 5 spared not a great favourite, Bertand de Charmont, a Gascoin, who, by conveying away one of the murderers of the Duke of Burgon, had forfeited his own life. *Speed*, p. 656; although overswayd by a foolish decree of heraldry in acquitting Barbason for the same fact. 657.

Justitia Commutativa. Remarkable is the saying of a worthy knight, Sir Thomas Rocksby, who beeing ordinarily serv'd in wodd'n cups, was wont to say, "I had rather drink out of wood and pay gold and silver, then drink out of gold and make wodd'n payment." *Campion*, Hist. Ireland, p. 91.

75

De Adulatione.

Read K. Kanutes act by the sea side and answer to flatterers in his life. [viii.]

76

De reprehensione.

Nec acerbitate nec scommatis abstinuit Lutherus, interdum etiam parùm verecundis. *Sleidan*, l. 16, p. 261. [ix.]

77

De Maledicentia.

(16, 4) *Belli sunt imprimis versiculi isti quibus Poeta Italus Boiardus in Orlando Inamorato. lib. 2^{di} cantum 21^{mum} incipit contra maledicos monetque prudenter ut maledicentiam recedat ne quis temere cuiquam maledicat.*

a just
woman.

Chi ha troppo al parlar la lingua sciolta,
 Com' ho già detto spesso se ne pente
 Che colui di chi parla sta tal volta
 Diètro ad un uscio, et ogni cosa sente,
 E quando non v'è altri, Iddio l'ascolta,
 Iddio che tien la parte d' ogni gente
 E serba la vendetta dell' offeso
 Quando v'è men pensato, e men atteso
 Sempre si vuol favellar con rispetto
 D' ogniuno, e degli absentì sopra tutto
 Ne voler per non perdere un bel detto
 Guadagnar qualche scherzo, et fatto brutto,
 Che molte volte l'huom si truova stretto,
 Anzi riman com' un pesce all' asciutto
 Quando egli è sopraggiunto al improvviso
 E si dipigne in mille fogge il viso.

De voluntate.

78

*Tolle voluntatem et erit omnis actus indifferens. Bracton de Legg.
 et Consuetud. Ang. l. 1, cap. 4°.*

Sinderesis.

79

*Sinderesis a natural power of the soule, set in the highest part
 thereof, moving and stirring it to good and abhorring evil. And
 therefore Sindrisis never sinns nor erres. And this Sinderisis the
 Lord put in man to the intent that the order of things should be
 obserred. D^r and Student, cap. 13, p. 24. Dialogue the 1st.*

Ratio.

80

*Reason is the power of the soul that discerneth betwixt good and
 evil, and betwixt good and better, comparing the other. The which
 alsoe sheweth witnes, flyeth vices, loveth good. D^r and Student,
 cap. 14. Dial. 1st page 24.*

81 *Conscientia.*

Vid. D^r and Student, cap. 15, page 25. Dial. 1st.

82 *Æquitas.*

Equity is a right wisenesse that considereth all the particular circumstances of the deed, the which allsoe is tempered with the sweetnesse of mercy. D^r and Student, cap. 16, page 27. Dial. 1st.

101 INDEX ŒCONOMICUS.

105 *De Victu.*

De esu sanguinis. Quod interdixerunt Apostoli ecclesiis esu sanguinis ut notum est ex actis Apostol: id esse a Christianis usque ad Aurelii et Veri tempora observatum tradit *Euseb.* in illâ Bibliidis quæstione de Martyribus Gallicis: Hist. l. 5, c. 1, græc. [Small writing.]

106 *De cultu.*

Mulieres ne se nudanto ultra quàm necesse est: vide *Clemens Alex.* Pædagog. l. 2^a, c. 2, p. 158, et *Cyprian*, lib. de disciplinâ et habitu Virginum. [Small writing.]

109 *Matrimonium. Vide de Divortio.*

Apostoli matrimonium contraxisse probantur. *Euseb.* hist. eccl. l. 3, c. 30, græc. apud eundem uxores et liberos episcoporum nominatos passim videre est; ut l. 6, c. 42, de Chæremone et ejus uxore. et filium Demetriani Antiochensis Episcopi Domnum sedem patris adeptum. *Euseb.* l. 7, c. 30, græc. vide et *Socratem*, l. 1, c. 11, de Paphnutio qui corripit quosdam onera nimis gravia imponentes

* Or 12: much blotted.

Ecclesiæ. Sed Socrates ubi mentionem facit matrimonii Clericorum ait intelligi debere de iis qui uxorem duxerant, antequam munus Ecclesiasticum suscepissent, seu ita ipse scripserit, seu quis postea, quod facile fieri potuit, ista de suo interposuerit. vide et eundem, l. 5, c. 22, græc. p. 698 [small writing], et *Cedren.* p. 236 [ix. a].

Petrum et Paulum matrimonium contraxisse disertis verbis affirmat *Ignatius*, et quid de matrimonio sentit declarat Epist. ad Philadelph. p. 94, 95, et *Clemens Alexand.* Strom. 3, pag. 448, et *Felix* qui presbyterium subministrabat sub Decimo cum Victoriâ conjugæ ejus propter fidem extorris legitur factus apud *Cyprian*, epist. 19.

and the preists of England before the Conquest thire great impugner John Cremensis (*Holinsh.* p. 42) beeing detected himselfe of whordom, *Stow*, Hen. I. y. 26, forbidden to marry by Anselme, much condemn'd therfor by an old writer *Hen. Huntington.* *Holinsh.* p. 30, Hen. I. See also the absurd articles of the other synod, p. 34. See also *Mat. Paris* against forbidding marriage to the clergie, *Speed*, p. 432 and 448. Vide *Concil. Trident.* l. 8, ad finem, ubi Theologi Germani adjunctis Ferdinandi imperatoris et ducis Bavar. literis matrimonium clericorum defendunt.

Polygamiam veterum Judæorum propter varia mysteria sub eâ latentia haud inconcessam fuisse ait *Justin. Mart.* Tryph. p. 364 et 371.

Gregorius Nyssenus uxorem habere testatur tom. 3, de virginitate, 116.

Cur Papistæ matrimonia clero prohibent, vide rationes astutas, *Concil. Trident.* l. 5, p. 446, et 662, l. 7.

Spuridion Episcopus Cyprius vir sanctitatis famâ celebratissimus sub Constantino quamvis conjugem et liberos haberet dicitur tamen οὐ τὰρὰ πούτο τὰ θεῖα χεῖρων. *Sozom.* l. 1, c. 11.

Mariage allow'd to preists in the Councel of Vienne, in France, more than 900 yeares after Christ, the Pope's legates beeing then present. *Girard*, Hist France, l. 5, p. 300.

Vide responsum Elizabethe cum duce Andino nuptias propter religionis differentiam amolientis. *Cam.* p. 197.

With one of a different religion dangerous: for hence Gregory the 15th is so bold as to count Prince Charles a favourer of the Catholick cause, as he terms it, and of the Roman prælacie, because he sought in marriage a daughter of Spain. *Du Chesne*, Hist. d'Angleterre, p. 1163. See also p. 1166, et 1167, et 1168.

The marriage with France also was noe lesse dangerous if the conditions obtained by the Marquesse D'Effiat and Richelieu be true, as among the rest that the children should be bred in the papists religion till 13 years old. *Du Chesne*, Hist. Angl. p. 1180, 9 et p. 1182, 1184.

Digamiam lege sanxit Valentinianus. *Socrat.* l. 4, c. 30, græc. [Small writing.]

Germani antiqui non unâ tantum uxore uti. Ariovisti enim duæ fuerunt uxores. *Cæsar*, Comment. l. 1, ad finem prope de bell. gallic. et Childericus Francorum rex. *Bernard Girard*, Hist. Franc. l. 1, p. 27.

Conjugal affection rare, in the wife of Ed. I. in Palestine.

Quartam uxorem licet mortuis prioribus ducere apud Græcos non licet, hinc Leonem philosophum imperatorem communione pepulit Nicolaus patriarch. Jus Græco-Rom. p. 103.

The discommoditie of mariage. See *Chaucer*, marchant's tale, and wife of Bath's prologue.

Mariage with Papists dangerous to England appeares by the oration of Fontidonius in the name Di Luna, the Spanish Ambassador to the Councel of Trent, wherein he professes "che il suo rè si maritò Maria d'Inghilterra non ad altro fine che per ridur quell' Isola alla religione." Concil. Trident. l. 8, 691.

Ministris ecclesiæ nullum jus fuisse apud Christianos antiquissimos ut interessent vel contractibus vel nuptiis celebrandis ostendit *Seldenus*, Uxor Heb. l. 2, c. 28 toto et 29, nempe in illas res Papæ, et Pontificali si importunè satis immiscuere emolumentum, inde sibi ac dominatum captantes partim ritus ethnicos ut in cæteris ferè, suscipientes, et vano quodam judicio æmulantes. (Vide titul. de bonis Ecclesiasticis.)

Concubinatus.

110

The cause of household disquiet. as it turn'd both wife and children against our Hen. 2. *Holinsh.* p. 87.

Concubinam unam permitti in Ecclesiâ antiquâ Christianâ multis patrum testimoniis testatur *Seldenus*, de jure nat. et gent. l. 5, c. 7, p. 573.

Multos etiam clericos viros minime malos martyrium etiam passos, fœminas in domibus habuisse fatetur. *Cypriano* adscriptus liber de singularitate clericorum, sect. 38.

Quatuor concubinas habuit Carolus Magnus. *Girard*, Hist. Franc. l. 4, p. 229.

Concubinam uxori inducere negotio cum pastoribus communicato haud se indignum existimavit Philippus ille Hassiæ princeps protestantium dux. *Thuan.* Hist. l. 41, p. 447.

Carolus Martellus princeps bellicosissimus (*sic*) atque optimus Nothi concubinæ filius, quo natus Pepinus Caroli Magni pater. Hist. dicti. Franc.

Ferdinandus Alphonsi Neapolitani regis optimi ex concubinâ filius regno successit.

Les bastards estoient advouez et partagez egalemt avec les In France. legitimes jusques au temps d'Hues Capet en France. *Girard*, Hist. France, l. 6, p. 333.

Ils ne font pas grande difference au pays d'Italie d'un enfant In Italy. bastard à un legitime. *Philip. de Comines*, l. 7. Memoires, c. 2, p. 515.

De liberis educandis. Vide^a de scientia literarum.

111

Natura cujusque imprimis inspicienda nec torquenda aliorum, deum enim non omnes ad singula destinat, sed ad suum quemque opus proprium: unde *Dantes* "e se 'l mondo la giù ponesse mente, al fondamento che natura pone, &c.: vide *Paradiso*, cant. 8. [Small writing.]

^a This title is not in the volume.

Hinc credibile est quod de Athanasio traditur, puerum scil. inter pueros episcopum egisse puerosque in maris littore baptizasse. *Socrat. Hist. Eccles. l. 1, c. 11.*

Not to labour, as most men doe, to make them bold and pert while they are young, which ripens them too soon; and true boldnes and spirit is not bred but of vertuous causes, which are wrought in them by sober discipline: to this purpose *Chaucer*, speaking of feasts and revells and daunces, "such things maken children for to be too soon ripe and bold, as men may see, which is full perillous," &c. Doctor of Phis. tale, fol. 58.

112

De Divortio, vide 116.

In judicia translatam esse divortii causam videtur ex quo Canonici lucrum inde reportare auctoritatemque uberrimam posse didicerunt. *Hist. Concil. Trident. p. 67. [x.]*

Questiones innumeræ de divortiis incertâ solutione tractantur. *Concil. Trident. l. 8, p. 729, &c. et 737, &c.*

Ritus publici celebrandi matrimonii multis post apostolos seculis introducti sunt. *Concil. Trid. l. 8, 772.*

Causæ matrimoniales ad civilem magistratum pertinebant priusquam ecclesiastici per socordiam principum earum judicia invasere. *Concil. Trident. l. 8, 772. (Vide de bonis ecclesiasticis.)^a*

Carolus Magnus uxorem Theodoram repudiat, non redditâ ejus rei cuiquam ratione. *Girard, Hist. Franc. l. 3, p. 146, et Hildergardum duxit.*

Post quinquennalem mariti absentiam, si incertum fuerit ubi sit, uxori conceditur cum alio nuptias facere. Manuelis Patriarchæ Constantinop. Sententia. *Jus Græco-Roman. p. 239. Vixit autem hic Patriarcha circa an. 1216.*

Religionis causâ divortium fieri posse statuit Matthæus Monachus, sive orthodoxus ita vult non tantum si ab altero deseratur, in illo enim negotio, non simplex *ευδοκία* infidelis ad cohabitationem requiritur, sed utriusque *συνευδοκία* secundum Pauli sententiam;

^a The first four paragraphs are in small writing.

ait etiam ab Theodoto Patriarcha ita statutum: vide lib. matrimonial. apud *Jus Græco-Roman*, p. 507. [xi.]

Guntarius archiepiscopus Coloniensis et Tirgandus Trevirensis Lotharium Lotharingiæ ducem repudiâtâ Tirburgâ Vastradam inducentem approbaverunt. *Thuan.* l. 78, 655.

Pro divertio vide *Bodin.* republ. l. 1, c. 3.

Renatus Lotaringiæ dux repudiâtâ ob deformitatem et sterilitatem uxore Margaretâ, vivente eâ Philippam superinduxit; nec tamen ejus ex Philippâ filius hæreditate dejectus. *Thuan.* hist. l. 24, p. 734.

Wilhelmus Arausionensis (Belgiæ et Protestantium defensor) abdicatâ a se ob mores uxore Annâ Mauritiî Saxonis 7 viri filiâ, Carolam Borboniam Monpenserii filiam duxit. *Thuan.* hist. l. 60, p. 72.

Joannes Basiliî filius Moschovum dux, uxore repudiâtâ, quod, quoties vult,^a illi moribus patriis licet, novam ducit. *Thuan.* hist. l. 72, p. 471.

Propter impedimentum naturale Vincentius Mantuæ princeps Alexandri Farnesii filiam repudiat, aliâ superinductâ. *Thuan.* l. 80, p. 703.

Henricus 4tus Galliæ Rex Margaritam uxorem ob mores quamvis cognationis obtentu repudiavit, multisque exemplis id sibi quoque licere demonstrat, quod alii ante se reges varias ob causas fecissent. *Thuan.* hist. l. 123, p. 885.

De Servis.

113

Quodnam fuerat jus dominorum in servos. Vide *Justinian Institut.* l. 1, tit. 8, § 1.

De manumissione. *Justinian Institut.* l. 1, tit. 5, et 6.

Servis refugium a duris dominis est datum lege civili, cum hac pulchra ratione, quod reipub. expedit ne suâ re quis male utatur. *Justinian Institut.* l. 1, tit. 8, § 1.

^a Non regi solum sed cuivis. Baro ab Herber. de Masch. (These words are in the margin.)

114

De Matrimonio.

To forbiðd Polygamy to all hath more obstinat rigor in it then wisdom. Hence *Sir Walter Raugleigh* well observes that by such rigor the kingdom of Congo was unhappily diverted from the Christian Religion, which it willingly at first embrac'd, but after with great fury rejected, because plurality of wives was deny'd them: I know not saith he how necessarily, but more contentiously then seasonably, &c. *Hist. of the World*, l. 2, c. 4, sect. 16.

Sebastianus Castalio Allobrox Bernardinum Ochinum secutus, cujus dialogos latinos fecit polygiam adstruere videtur. *Thuan.* *Hist.* l. 35, ad finem, p. 271.

Britanni etiam post fidem receptam conjuges habuere complures, quo nomine a *Gildâ* reprehenduntur quam plurimas conjuges habentes, sed scortas, &c. Vid. epist. *Gild.* et ad finem; unius uxoris virum, quod ita apud nos contemnitur, &c. ac si apostolus dixisset, virum, uxorum.

De clandestinis matrimoniis pro irritis habendis, vide *Thuan.* *hist.* l. 35, p. 268, 269; idem in Germaniâ sancitum: hinc Ferdinandi Austrii proles ex Velsérâ clam patre Cæsare suscepta pro non legitimâ est habita. *Thuan.* l. 71, p. 446.

Incestus. Philippus Hispaniæ Rex sororis filiam ducit. *Thuan.* *hist.* l. 71, p. 442, etc.; et supra et Ferdinandus Ferdinandi Cæsaris filius: idem, *hist.* l. 71, p. 446.

115

Adulterium.

Protestantes, Aureliani, cum ea urbs penes eos erat, adulterium morte puniebant; quam rem aulici adeo graviter tulere, ut semper se ideo a protestantibus alienos futuros professi sint. *Thuan.* l. 35, initio libri.

116

Divortium.

Cur permitti debet. Ratio est quia ut Medici et omnes fere fatentur, cujus sine amore est frigidus, insuavis, infœcundus, noxius,

ferinus, fœdus. *Sinibald.* Geneanthropeias, l. 1, tract 2, proæm: indignum itaque est vel utrumque vel immerentem saltem tam immani vinculo invitum constringi. [xii.]

Divitiæ.

148

Contra divitias probe disserit Machiavellus divitias non esse belli nervos quod vulgo creditur. discors, l. 2, cap. 10.

Paupertas.

150

Britannorum episcoporum paupertus celebris apud *Severum Sulpitium* tempore Constantii imp: sacræ hist. l. 2, p. 157. [Small writing.] [xiii.]

See Chaucer. no poverty but sin. Wife of Bath's tale, p. 36.

Eleemosynæ. vide de bonis ecclesiasticis.

151

Edessenorum mira charitas in captivis Antiochensium redimendis: vide apud *Procopium*, Persic: 2. nam et meretrices ornatum suum ad id impendisse dicebantur, et rusticos jumenta sua vendidisse, p. 66, edit. græc. [Small writing.]

Eleemosynas nostras hominibus notas ne velimus esse, suadet *Chrysostom* in Gen. orat. 8, argumento verissimo. quod homines plerumque ubi laudare debent, invident, non est ergo ut de humanâ laude multum speremus.

Eleemosynarum profusissimi non semper verè pii ut in Adelberto Eporegiæ marchione videre est qui cum juvenis benignissimo in pauperes animo fuisse visus esset, adultus famæ ob perfidiam nequissimæ ferebatur. *Cuspinian.* in Berengario, p. 223.

Erroribus mendicis non dandum, ut monet Atticus episcopus Const. τοῖς αἰσχυνομένοις τὴν αἴτησιν, ἀλλ' οὐχὶ τοῖς ἐμπορίαν διαβίου τὴν γαστέρα προτεθεικόσι. Socrat. l. 7, c. 25. [Small writing.]

Eleemosynæ post mortem datæ in iis rebus perditis, et vanis numerat *Ariostus* quas ad circulum Lunæ volare fingit sine ullo dantium fructu: l'elemosina è, dice, che si lassa alcum, che fatta sia dopo la morte. Cant. 34. [Small writing.]

160

De usurâ.

Usuram peccare in naturam, et in artem ait *Dantes*; in naturam, quia facit ut nummi pariant nummos, qui est partus non naturalis; in artem, quia non laborat, etc. Vide Cant. ii, Inferno, et *Daniell.* in eum locum. [Small writing.]

Of the Pope's cruell usurers or merchands call'd Caursini, see *Speed*, p. 532.

Num licita sit latè disserit *Rivet*us prælection. in decalog. p. 276 et affirmativam tuetur.

177

INDEX POLITICUS.

Respublica.

Immunitatem officiorum civilium clericis edicto sanxit Constantinus. *Euseb.* hist. l. 10, c. 7. [Small writing.]

The form of state to be fitted to the peoples disposition: some live best under monarchy, others otherwise: so that the conversions of commonwealths happen not always through ambition or malice: as among the Romans who after thire infancy were ripe for a more free goverment then monarchy, beeing in a manner all fit to be Ks.: afterward growne unruly and impotent with overmuch prosperity, were either for thire profit or thire punishment fit to be curb'd with a lordly and dreadfull monarchy; which was the error of the noble Brutus and Cassius who felt themselves of spirit to free an nation, but consider'd not that the nation was not fit to be free, whilst forgetting thire old justice and fortitude which was made to rule, they became slaves to thire owne ambition and luxurie.

Inter religionem et rempub. divortium esse non potest. *Camden.* Elizab. ad lectorem.

Contrariæ sententiæ erat *Hospitalius* Galliæ Cancellarius prudentissimus: multi, inquit, cives esse possunt qui minime sint

Christiani, et qui ab ecclesiæ gremio remotus est, non desinit esse civis; et pacate vivere possumus cum iis qui non eadem sacra nobiscum colunt. *Thuan. hist. l. 29, p. 74.*

Respub. regno potior:—perche delle repub. escano piu huomini eccellenti, che de regni: per che in quelle il piu delle volte si honora la virtù, ne regni si teme, &c. *Macchiavel. arte di guerra. l. 2, p. 63.*

I declare it my opinion in my discourses upon Livy, that the great actions wee read of in that historie, and that the excellencie of those counsels and atchievements, and the improvement which mankind, and as I may soe say, humane nature it selfe obtained amongst the Romans, did proceed naturally from their government, and was but a plaine effect and consequence of the perfection of their Commonwealth. Machiavel's letter before his works, printed at London 1675, p. 3°. [Lord Preston's writing.]

Amor in patriam.

178

Virtus ista cautè a philosophis petenda est, non enim cæcus et carnalis patriæ amor ad rapinas, et cædes, et odium vicinatum gentium rapere nos debet, ut patriam imperio, opibus, aut gloriâ augeamus; sic enim ethnici fecerunt; Christianos autem inter se pacem colere oportet, et non appetere aliena: hanc ob causam invehitur in philosophiam *Lactantius, l. 6, c. 6.*

of St. Pierre de la Mere, see *Holinsh. ed. 3, p. 410, 411, 418.* the Thomas of Woodstock, D. of Gloster in the reign of Ri. 2. *Holinsh.* Richard Fitz Allaine, E. of Arundel, for his whole life noble and memorable; and in his death also, under Rich. 2. *Holinsh.*

Leges.

179

Savanaruoia, essendogli mandato una scomunica da Roma, non Pubbedi, dicendo in sua difesa una bella parabola, per la quale ei pruova che si dà piu tosto ubbedire alla intentione delle leggi che alle parole: l. 1, p. 48, 49, rinovation della chiesa.

Lambard saith that laws were first devis'd to bound and limit the power of governours, that they might not make lust thire judge and might thire minister. *Archeion*, c. 3.

Some say they ought to have reasons added to them: il legislatore che rende ragione del suo detto diminuisce l'autorità sua, perche il suddito s'attacca alla ragione addotta, e quando credo haverla risoluta, pensa d'haver anco levata la virtu al precetto. *Concil. Trident.* l. 6. p. 460.

Alfred turn'd the old laws into English. I would he liv'd now to rid us of this Norman gibbrish. *Sto.* p. 80. [xiv.] The laws of Molmutius, as *Holinsh.* p. 15, and of Queene Martia, see *Holinsh.* in the reigne of Sisilius the son of Guintoline, p. 19. Inas also of the West Saxons K. made many laws, *Holinsh.* l. 6, c. 1: and he it was that made that shamefull and unworthy law of Peeter pence, renew'd also by the murderer Offa the Mercian, so thinking to expiate his horrid sins. *Holinsh.* l. 6, c. 4. [xv.]

De jure naturali, gentium, et civili quid statuunt jurisperiti; vide *Justinian.* Institut. l. 1, tit. 2. [Small writing.]

Edward the Confessor reduc't the laws to fewer, pick't them, and set them out under name of the Common Law. *Holinsh.* l. 8, c. 4.

Lawyers' opinions turn with the times for private ends. Speed, 614, 615, Rich. 2; but thire end is to be consider'd, p. 616.

Kings of England sworne to the Laws; see Rex. at thire crowning. King William the Conq. sworne solemnly the second time in the church of St. Albans, which he presently broke. *Holinsh.* p. 10. [xvi.]—Henry the 1 comming to the crowne promiseth^a to abolish the unjust laws of the Normans and to restore the laws of K. Edward. *Holinsh.* p. 28. Maud, the empress, deniing the Londoners' request in this point, lost, therby, the faire forwardnesse she was in to the crowne. *Holinsh.* Steph. p. 53. King John, at his absolution from the Pope's curse and interdiction promis'd

^a In the margin—granted also and confirmed by charter.—*Holinsh.* 181 and 183. Speed, p. 447, Rich. 1. See Speed at his Crowning of K. John, vid. Subditus.

181 ad
eius auctoritas episcopis eius auctoritas
divinis pi ad tu mitterentur
s se dixerit esse episco-
pobis his ubi fuerit de
respondesti petitis a
in re die Northumbria 3
rat propter lin-

conceding counsel

regis die crecentur
ultra 500 den.

am.

2-

5

the same. *Holinsh.* p. 180, see also p. 181; which, refusing to performe, cost him all the trouble that succeeded; p. 183 and 186. Henry the 3^d at the^a betwixt him and Lewis swore, together with his protector the E. of Pemb. for him, that he would restore all the rights and liberties before demanded of his father. *Holinsh.* p. 201; urg'd about it by the B. of Cantur. p. 204-5, for the which deny'd Lewis the f. K. refuses to restore Normandy upon demand to Hen. 3: the same K. demanded againe shiftingly answers, p. 205; and begins to assaile his barons, *ibid*: upon a fifteen granted Hen. 3 confirms by Parliament the 2 charters, Magna and de Forestâ, an. reg. 9, p. 207; but cancell'd by him most ignobly when he came to age, p. 208; Hubert de Burgh beeing cheif setter on, p. 209; but after beeing at full age freely of his owne consent, an. reg. 21, granted and confirmed these 2 charters, *Holinsh.* p. 220; also an. reg. 37, with sentence of excommunication against the breakers therof, p. 248, with particular execration which the K. used against himselfe if he broke them, *ibid*; yet afterwards sought to be absolv'd of it by the Pope, and breaks, p. 249; sworne to it again with his son Prince Edward, p. 258, and also Richard E. of Cornwall, after his proud denial, p. 261, and curse denounc't on the breakers, 262; causes his absolution to be read, 263; accepts againe the ordinances of Oxford, 265, renounces againe, *ibid*; promises again, being prisoner to the barons, 268, and confirm'd by Parl. at Marleborow, 274, vide Subditus.

Parliam.
Oxfo.Marle-
borow
parl.

180

Mores Gentium.

A dangerous thing, and an ominous thing, to imitate with earnestnesse the fashions of neigbour nations: so the English ran madding after the French in Edward Confessor's time, *Sto.* p. 94, *Spead*: god turn the omen from these days. [xvii.]

Rex.

181

Ejus autoritas in rebus divinis. Modestia quidem principis, cum de mysteriis religionis ab eruditis et fidelibus episcopis ad ejus

* The word *truce* seems omitted.

authoritatem refertur valdè laudabilis est: sic Valentinianus cum de *ὁμολογία* episcopi ad eum mitterent, vide quæ responderit. *Hist. Miscel.* l. 12, p. 351 et 354: vide quatenus Constantinus se dixerit esse episcopum. *Euseb.* l. 4, vit. Const. 24. [Small writing.] At
 (21. 10) *Constantinus petentibus Donatistis ut iudices de controversiis inter se et Carthaginis episcopum ortis daret, religiosissime respondit, petitis à me in seculo iudicium cum ego ipse Cristi expectem iudicium. Sigon. de occid. imp. l. 3.*

In re divinà tanquam ὑποφῆτης et interpres Aidani præt populo suo rex Northumbriæ Osualdus, et explicat, quæ Aidanus minus feliciter expresserat propter linguæ imperitiā. *Beda*, et ex eo *Holinshed*.

Concarning the dutie and office of an English K. how to governe read the dying counsail of Hen. 4 to his son. *Sto*.

Reges vix se mortales se agnoscunt, vix humanum sapiunt, nisi aut quo die creantur aut quo moriuntur, illo die humanitatem, et lenitatem simulant, spe popularis auræ captandæ: hoc mortem ante oculos habentes male factorum conscientiā, quod res est, fatentur, se misellos homines esse. Vide mortem Gul. 1. Conquistoris Angliæ, apud *Stoum* nostrum, et abdicationem Ed. 2.

Reprehensionis justæ patiens egregie. Theodosius senior ab Ambrosio reprehensus graviter et in ordinem redactus ob cædem Thessalonicensium. *Hist. Miscel.* l. 13, p. 376. [Small writing.]

Counsels unjust he shames not to reverse. Thus did the worthy Ed. 1 that cruel statute which he had made, Quo Warranto, perceiving himselfe to incurre the hatred of his people thereby. *Holinsh.* p. 230.

Ad subditos suos scribens, Constantinus Magnus non alio nomine quam fratres appellat; vide epist. Constantini ad Alexandrinos. *Socrat.* l. 1, c. 6. Vide et *Euseb.* de vita Constant. l. 3, c. 18, in fine, et l. 3, c. 58, in epist. Constantini ad populum Antiochenum, initio et fine, et alibi. [Small writing.] Augustus imperii formator ne dominum quidem dici se volebat, et hoc enim Dei est cognomen; dicam plane imperatorem dominum, sed quando non cogor ut

dominum dei vice dicam; cæterum liber sum illi, dominus meus deus unus est, &c. *Tertull.* apologet. p. 31, edit. rigalt. qui pater patriæ est, quomodo dominus est? *ibid.*

De hærede constituendo. Optimum esse si rex filium suum in regnum post se traditurus sit sic instituat, ut credat patrem suum regni successionem non ætati ejus sed meritis destinare, nec se paternum imperium tanquam prædam hæreditariam, sed ut virtutis præmium accepturum: proinde ut secretò potiùs apud se statuatur, quàm publice declarat quem sit regni hæredem relicturus, et velut in dubio relinquat ea operâ perficiet, ut ne puer minis ferociter se gerat; minùsque adulatorum grege stipatus sit, nec vitæ patris insidias struat, cum in incerto sit fueritne alius a patre designatus cujus judicium assensus populi facile sequatur; hoc modo Joannes Ducas Bataza filium reliquit Theodorum ad regni spem non certam nisi post patris mortem; ut scribit *Nicephorus Gregor.* l. 3, c. 1: The not observing this wrought our Hen. 2 a world of disquiet and danger. *Holinsh.* p. 76. Hinc Elizabetha Mariam Scoticam hæredem suam declarare noluit. *Camd.* p. 65, 67, 68, et amplius, 106.

The crowning of K's in England not admitted till thire oath receav'd of justice to be administer'd according to the laws. *Stow and Holinsh.* William Conqueror and other K's. K. Rich. the 2 also renew'd his oath in parliament time in the church at Westmin. *Stow*, an. reg. 11. Richard the 1. *Holinsh.* p. 118, at large.

Solennitas coronandi Cæsaris Caroli quinti in Italia, apud Jovium l. 27 [p. 106].

Unction refus'd by Henricus Auceps a famous German Emperor. *Cuspinian* in his life.

Crowning of French K's. *Sleidan*, l. 19, 327.

Electio Germanorum imp. quando cæpta est fieri. *Cuspinian*, Otto 3, p. 254.

Conditiones Cæsari futuro accipiendæ apud *Sleidan* extant, l. 1, p. 15, &c.

Conditiones iidem imperatori Græco futuro in se recipiendæ.

Codinus Curopalat. de officiis Constantinopol. c. 17 de coronatione imperatoris.

182^a Adorari se primum Romanorum esse passum *Dioclesianum* scribit *Sigonius* de imp. occid. l. 1, cum ante eum omnes Romani imperatores consulari tantum salutatione contenti fuissent: quod alii de Constantino asserunt.

Christiani antiqui quid senserint de hoc *Justinus Martyr* ad imper. Pium scribens declarat fundatâ super Christi doctrinâ sententiâ, ut Cæsari demus quæ Cæsaris, deo quæ dei sunt. *ὁθεν* inquit *θεον μιν μόνον προσκυνούμεν ὑμῶν δὲ πρὸς τὰ ἄλλα χαίροντες ὑπηρετούμεν* ubi plane *προσκυνήση* soli deo, regibus *πρόθυμον ὑπηρέτησιν* tribuit: Apolog. 2. p. 64.

Leges suas *Justinianus* alibi vocat oracula; et nostra divina constitutio. Institut. l. 2, tit. 2, § 9, et sacratissimum ærarium; ibid.

Authoritatem regiam a Papâ non dependere scripsit *Dantes* Florentinus in eo libro cui est titulo (*sic*) Monarchia quem librum Cardinalis del Poggietto tanquam scriptum hæreticum comburi curavit, ut testatur *Boccattius* in vitâ Dantis editione priore, nam e posteriori mentio istius rei omnis est deleta ab inquisitore. [Small writing thus far.]

Officium et definitio imperatoris egregia est: Jus Græco Romanum, l. 2, p. 178, ex lib. de jure qui est Basil. Constant. Leonis ubi ait *τέλος τῷ βασιλεῖ τὸ εὐεργετεῖν καὶ ἡνικα τῆς εὐεργεσίας ἐξατονήσῃ δοκεῖ κιβδηλεύειν τὸν βασιλικὸν χαρακτῆρα*. Vide etiam Orland. Inamorat. del *Berni*, cant. 7, stanz. 3; un re se vuole il suo debito fare, non è re veramente ma faltore del popolo, etc.

The clergie commonly the corrupters of kingly authority, turning it to tyrannie by thire wicked flatteries even in the pulpit, as An. reg. Rich. 2, an. 21. Stafford, Bishop of Exceter, in parliament time, which was cause of great mischef to both K. and country.

The right of K's to the goods of his subjects. The answer of

* *Rer* is at the head of the page.

Reginald to Ruscand the Pope's legat. Leg.: All churches are the Popes. Regin.: Truth, to defend, but not to use them to serve his own turne; as wee say, all is the princes; that is, all is his to defend, but not to spoile. *Holinsh.* p. 253.

De Monarchia. *Severus Sulpitius* ait regium nomen semper liberis gentibus fere invisum, damnatque factum Hebræorum quod præoptarent libertatem servitio mutare. *Hist. Sac.* l. 1, p. 56.

The first original of a K. was in paternal authority, and from thence ought patterne himselfe how to be toward his subjects. *Smith, Com.-wel.* c. 12.

The cause and reason of creating Kings, see well express'd in *Haillan.* *Hist. France*, l. 13, p. 719.

No king can give away his kdom without consent of the whole state. *Holinsh.* 191; as appears also by the letters of the Parliament sent to the Pope with consent of Ed. 1 concerning the realm of Scot. *Holinsh.* p. 311. So also it was answer'd to Hen. 3 of France by the parliament at Blois. *Thuan.* *hist.* 63, p. 186, nullo casu alienari a rege patrimonium coronæ posse, quippe cujus rex tantum sit usufructuarius, proprietate penes regnum, etc. *Ibid.* [xviii.]

Whether Monarchy be a power absolute. *Sir Tho. Smith* answereth that neither it nor any other kind of commonwealth is pure an[d] absolute in his kind, no more then the elements are pure in nature, or the complexions and temperatures in a body, but mixt with other, for that nature will not suffer it. *Com.-wealth Eng.* c. 6. And in the 9 c. that the act of a K. neither approved by the people, nor establisht by act of Parliament, is taken for nothing either to bind the K., his successors, or his subjects; instancing in K. John who resign'd his crowne to Pandulfus for Pope.

I re Aragonesi non hanno assoluta l'autorita regia in tutte le cose. *Guicciardin.* l. 6, *Hist.* p. 347.

Definition of Sir Tho. Smith is: A King is who by succession or election commeth with good will of the people to his government, and doth administer the com. welth by the laws of the same and by

equity, and doth seeke the profit of the people as his owne: and on the contrarie he that coms by force, breaks laws at his pleasure, maks others without consent of the people, and regardeth not the wealth of the commons, but the advancement of himselfe, his faction, and his kindred, he defines for a tyrant: c. 7. See Arist. Eth. 9, c. 10, ὁ μὲν γὰρ Τύραννος τὸ αὐτῷ συμφέρον σκοπεῖ, ὁ δὲ βασιλεὺς το τῶν ἀρχομένων.^a

I regni che hanno buoni ordini non danno imperio assoluto a gli loro re se non negli esserciti, per che in questo luogo solo e necessaria una subita deliberatione, &c. Fabricio appo *Macchivel*, arte di guerra, l. 1, p 15.

183 *Subditus.* Vide Rex. Vide de Idolatria^b et Seditiōe.^b

Papa Gregorius Italos Juramento, quo Leoni Isauro obligantur exolvit. *Sigon.* reg. Ital. l. 3, p. 63. Papa subditus juramento fidei exsolvit.^c

Regnum Chilperico propter ignaviam abrogat Zacharias Papa Francis sacramenti religione solutis. *Sigon.* reg. Ital. l. 3, p 74.

Ordines Belgii imperium Philippo abrogant scripto etiam edito Hagæ, eique obedientiam renuntiare provinciæ jubentur. *Thuan.* l. 74, p. 513.

England a free nation not only at home but from all claim whatsoever from Pope: see *Holinshead*, 101 et 311: from Emperour as appeares by meeting the Emperour Sigismond with drawn sword. Hen. 5, Speed, p. 646.

Parliament by three estates, church-men, Lords, and Commons, first convocated by Charles Martell to elect him prince of the French about the year 730.

The Commons of France give instructions to their knights and burgesses. For when Bodin, who served for the country of

^a This quotation from Aristotle is in the margin.

^b These two Articles are not in the body of the volume or in the table at the end.

^c The last five words are in the margin.

Vermandois in the great Parliament at Blois 1576, had spok'n something displeasing to the courtiers, they suborned som of that countrie to accuse him for going against thir instructions. *Thuan.* hist. l. 53, p. 179.

To say that the lives and goods of the subjects are in the hands of the K. and at his disposition is an article against Ri. II. in Parl., a thing ther said to be most tyrannous and unprincely. *Holinsh.* 503.

The liberties of English subjects. Vide de legibus. Magna Charta, and Charta de forestâ, subscrib'd and seal'd to by K. John betwixt Stanes and Windsore. *Holinsh.* p. 185, 186; but got to be made void by the Pope, p. 189, but manfully rejected by the barons: *ibid.*

An office to correct the King. The Earl of Chester bare the sword of St. Edward before the K. in token that he was Earle of the palace, and had authority to correct the K. if he should see him swerve from the limits of justice. *Holinsh.* Hen. 3^d, 219; this sword is called by *Speed* Curtana, p. 603, Rich. 2.

The citizens of London toll-free throughout all England by the charter of Hen. 3. *Holinsh.* p. 208; other thire liberties confirm'd by Ed. 3. *Holinsh.* p. 343.

The 24 Governours chosen at the Parliament abuse thire liberty. *Holinsh.* p. 259. The charters and liberties confirm'd and seal'd by Edward 1. *Holinsh.* 306, and declar'd in Parliament, *ibid*: certain Earls undertak for him to seale and confirm again, p. 307: confirm'd again in Parliament, but the clause salvo jure coronæ offends the barons and the whole people, 308; renews the confirmation of the charters, 309, *ibid*, and at Lincoln, 312; procures to be absolv'd of his oath by the Pope, 313. Ed. 3 assents to good part in parliament. *Holinsh.* p. 361, but both Ed. 1 and Ed. 3 assent and confirm absolutely, saith *Speed*, about a dozen times by this K., 596.

Of parliament liberties, *Holinsh.* 452.

The Ld. Chauncellour, the Cheife Justice, and the Treasurer,

elected or depos'd by the Parl. of ancient custom. *Lamb. Archeion*, out of *Mat. Paris*.

Speed makes the beginning of Parliament in Hen. 1 days, p. 449.

If the Pope be not greater then a Councel, then is no K. to be thought greater then the Parliament. See *de Conciliis*.

Tenures of Fief or Feud thought to be brought in by Charles the Great. *Girard. Hist. France*, l. 4, p. 229; although the original seem to be unjust, for that which was conquer'd land ought freely to be divided to the people according to merit, and to hold only by his truth and fidelity to the Commonwealth. Wherin doubtles the Roman agrarian laws are more noble. Hence that Historian confesses, p. 232, that they who hold in fief are in a manner servants.

Lenitas nimia Regi Sigeberto Orientalium Saxonum perniciosa. Malsbur, l. 1, c. 6, et *Stow*.

Prohibition of books not the wisest cours. *punitis ingeniis gliscit autoritas*; and indeed we ever see that the forbidden writing is thought to be a certain spark of truth that flyeth up in the faces of them that seek to chok and tread it out; whereas a book authorized is thought to be but the language of the time. *Sir Fran. Bacon* in a discours of church affairs.

Prohibition of books when first us'd. The storie therof is in the Councel of Trent, l. 6, strait from the beginning, p. 457, &c.

Quid utilitatis ex adversariorum libris, si semotis odiis caritatem, et æquitatem induamus, ad dei gloriam capi possit, illustri documento ostendit Thuanus, dum narrat Bibliorum versionem a Bibliandro, et Pellicano inchoatam a theologis Hispanis eousque fuisse probatam, ut illam ipsi suppressis verorum authorum nominibus edere non dubitarent. Thuan. hist. l. 36, p. 287.

Tyrannus, vide 248.

185

Sigerbertus West Saxonum tyrannus leges patrias conculcans meritis luit pœnas. *Malmesbur.* l. 1. *Sto.*

Richard the 2^d in his 21 yeare holding a violent parlament shorten'd his days: see in *Sto.* the violency of that parl. See other tyrannicall acts an. 22; and of this parl. *Holinsh.* 490.

His definition. See *de Rege* out of *Sir Tho. Smith*, 7 et 8 c. And *Basil.* distinguishes a tyrant from a K. briefly thus, τοῦτο γὰρ διαφέρει τύραννος βασιλέως, ὅτι ὁ μὲν τὸ ἑαυτοῦ πανταχόθεν σκοπεῖ, ὁ δὲ τὸ τοῖς ἀρχομένοις ὠφέλιμον ἐκπορίζει. *Tom.* i. 456.

Tyrannicall practizes of Rich. 2 and his accomplices. See *Holinsh.* p. 456, an. reg. 11: 457, 458, 462, 487. See also the Parl. *Holinsh.* 490, 493; blank charters, 496; and other tyrannical actions, *ibid.* See also the articles against him in Parliament. *Holin.* 502, also 508. [xix.]

Aiding tyrants. The Black Prince, by aiding the cruel tyrant Peter of Castile, brought himselfe to all the mischeifs that fell on his latter days and his fathers; for besides the suspicion of poyson on the voiage, he brought himself into so deep debt, beeing defrauded of his soldiers pay by the ingratfull tyrant, that he was forc'd to raise that sharp taxation of fuage in Aquitain, wherby he lost the country. See our writers and *Spe.* p. 597.

Whether it be lawfull to rise against a tyrant. *Sir Thomas Smith* prudently answers that the common people judge of that act according to the event and successe, and the learned according to the purpose of the doers, &c. *Com-wealth of Engl.* c. 5. [xx.]

Ludovicus Pius, beeing made judge of a certain German tyrant, approves the people who had depos'd him and sets his younger brother up in his stead. *Girard, Hist. France*, l. 4, p. 248. [xxi.]

Scoti proceres missis ad Elizabetham legatis post Mariam regno pulsam, jure id factum multis exemplis contendunt. *Thuan. hist.* l. 50, pag. 769. [xxii.]

Of the deposing of a tirant and proceeding against him. Richard

the 2nd was not only depos'd by parliament, but sute made by the commons that he might have judgement decreed against him to avoid furder mischeif in the realm. *Holinsh.* 512. [xxiii.]

Petrus Martyr in 3 c. Ind. eis qui potestatem superiorem eligunt certisque legibus reipub. præficiunt, ut hodie electores imperii etc. licere, si princeps pactis, et promissis non steterit, eum in ordinem cogere ac vi adigere, ut conditiones et pacta quæ fuerat pollicitus, compleat, idque vel armis cum aliter fieri non possit: citatque authorem Polydorum nostros homines aliquando suos reges compulisse ad rationem reddendam pecuniæ male administratæ. [xxiv.]

(13, 1) *An occidere liceat. Ad un principe cattivo non è altro remedio che il ferro. A curare le malattia del popolo bastano le parole; a quella del principe bisogna il ferro. Macchiavel. discors, c. 58, l. 1.*

Nec imperatorem perpetratis flagitiis urgere metuunt principes Germaniæ, quo quidem rex quivis Europæus neque major neque sanctior potest esse, ne quis facinus esse putet regem justas ob causas accusationibus appetere. Vide *Sleidan*, l. 18, 299.

Vitam principum ærumnosam et perpetuo sollicitam etiam eorum qui rem propius non intuentibus, felices videntur, describit *Cominæus* testis persæpe oculatus. *Comines*, l. 8, c. 13, p. 684, &c.

De monarchiâ Gallicâ ad tyrannidem Turcicam redigendâ consilium Blesis fuisse initum a rege Car. 9 reginâ matre aliis tradit *Thuanus*: et rationes ejus rei perficiendæ per sane commodas a Ponceto quodam explicatas fusè narrat. *Hist.* l. 57, p. 970. [xxv.]

Reges a subditis potestate exuti aut minuti, nullâ reconciliatione ne interposito quidem juramento postea placantur, exempla recentis memoriæ extant. *Thuan. hist.* l. 71, 423.

His right to France, and the falsehood of the Salick law shewing how divers K's of France came in by the female side. See *Holinsh.* Hen. 5, p. 545, 546, and *Speed* in Hen. 5, 638.

But ratifi'd in full parliament at Paris by oaths of all the nobles.
Speed, p. 657.

Rex Galliæ parlamenti sui perpetui decretis parare necesse habet, ut scribit *Claudius Sesellius*, quod ille frænum regis vocat; de repub. Gallor. l. 1: ad quæstores etiam publicos rationes expensarum regiarum referuntur: quas illi potestatem minuendi habent, si immoderatas vel inutiles esse cognoverint: *ibid.* [xxvi.]

The wealth of the Crown without oppression of subjects may be seen in the expences which Q. Eliz. was at in maintaining warre with her monies in divers places abroad, and at the same time paying her debts at home. *Camd.* vol. 2, p. 20.

Mulieres a publicâ rerum administratione omni excludi solitas ostendit Lib. cui titulo (*sic*) Franco-Gallia apud *Thuan.* Hist. l. 57, p. 969.

Victu modico esse regem decere dicerem nisi apud *Cuspinianum* legerem, Francos non ferre regem qui 10 drachmis vile pranderet obsonium. Vide in vitâ Berengarii, p. 221.

Vide veram regis descriptionem in Bracton de legg. et Consuetud. Ang. l. 1. c. 8. ad finem; qui trecentis ab hinc annis scripsit, tempore sel. Henrici 3. [Lord Preston's writing.]

Rex Hebræorum legibus non erat solutus: vide *Schickard.* jus regium. Theor. 7.

Scotland was at first an elective kingdom for a long time: vide *Hist. Scot.*

France an elective kingdom either to choose or to depose. *Bernard de Girard* Hist. Franc.: faut noter che (*sic*) jusques à Hues Capet, tous les rois de France ont esté eleuz par le François qui se reserverent ceste puissance d'elire e bannir e chasser leur rois: l. 1, p. 19, in fol: et l. 3, p. 123, l'élection estoit conditionelle, et p. 129, 134. [In margin]. Vide lib. Franco-Galliæ titulo apud *Thuan.* hist. l. 57, p. 969.

By parliament of three estates, first then found out, Charles Martel was chosen Prince of the French. *Bern. de Girard*, l. 2, p. 109, and Pepin King, l. 3. p. 134. Afterward Charles the

Simple, though of the race of Charles the Great, depos'd and Robert crown'd in his stead by the French : aymants mieux, as saith the History, avoir un nouveau roy habille homme qu' un hereditaire sot et idiot. *Girard*, Hist. Franc. l. 5, p. 298.

Read also the excellent speech of an ambassador from the french to Charles duke of Lorrain shewing reason why they had rejected him the right heir to the crown and chosen Hugh Capet. *Girard*. l. 6, p. 327. See also the like speech before of Pope Steevn crowning Pepin, l. 3. 134.

Schola Sorbonica in cætu 60 Theologorum pronuntiant contra regem pro defensione religionis arma capi posse. *Thuan*. l. 94. 391.

187

Aulici et Consiliarii.

What trust great courtiers may have in præsent pleasing the K. with violence and undue courses against the people on prætence of maintaining regal right, the downfall of Hubert may testifie. See *Speed*. See also of the Judges in Rich. 2 in the Chapter *Leges* in this book.

See also an excellent description of such an Oligarchy of nobles abusing the countenance to the ruin of royal sovranty. *Arcad*. *Sidney*, l. 2, p. 119, &c.

Aulicorum bene merita cito frigescere ostendit lepidis versibus Boiardus Poeta Italus in Orlando Inamorato, l. 2, cant. 21^{mo}.

—————“ogni servir di Cortigiano
La sera e grata e la mattina e vano.”

His addit ejus reformator Bernia Hetruscus

“Si suole in Spagna un certo detto usare
(Certo quegli Spagnuoli han di bei tratti)
Ch'un servizio val piu che s'habbi à fare
Che cento milu milion de fatti.”

Most tyrants have ordinarily neare unto their own persons some Minions of whom they make great account and reckoning : whom they use as sponges to suck up their subjects blood, upon whom when

occasion serveth they discharge themselves to the end that the people entring into furie should seize upon them and spare themselves: soe had Tiberius Sejanus, Nero Tigillius, Dionyse the younger Phyliste: and of late Henry King of Sueden George Preschon, whom wee read to have been given as a prey to the furious people and by them to have been rent and torn in pieces. Bodin de Repub. edit. Ang. Lond. 1606, l. 2, c. 5, p. 226.

Antonius Caracallo the Emperor, to please the people put to death all the flatterers who had before induced him to kill his brother: neither did Caligula in better sort use his Clawbackes: pag. eadem. An excellent discourse against those Senators who have assisted great Princes in their tyranny out of ambition or avarice. Traj. Boccalini Cent. 2da Advert. lxi. pag. 272. [The last three entries are in Lord Preston's writing.]

Astutia politica.

188

Homines per honores ferendi et evertendi artifex Leicestrius vide de Waltero Essexio. Camd. 264, Elizab. et de duce Norfolcio qui ejus insidiis ad nuptias cum Mariâ Scotâ inducto; vide et eundem, p. 475. Sic alter Essexius iisdem dolis periit, Camd. vol. 2, 176.

Such art us'd the stepdam of Plangus excellently set out by *Sidney*; l. 2, 356.

Randolphus Walsinghamo per literas monet ut ille Secretarii, ipse legati technis jam tandem valediceret, et pœnitendo divinam misericordiam implorarent. Camden, vol. 2, p. 27; ipsi tamen in repub. viri integri, et religionis studiosi habiti, quo quis ediscat quanto conscientia cum tumultu res politica tractetur.

The wicked policies of divers deputies and governours in Ireland. See *Spenser*, dialogue of Ireland.

Fides promissorum lubrica. Promissorum fidem a principibus exigendam, quatenus eam præstari iis expedit. Ita Scotiæ regens protestantium legatis respondit. Thuanus, hist. l. 21, p. 647 [xxvii.]: cujus dicti serò eam pœnituit, p. 649. Imperii aulici arcana, et

lubricam fidem populo datam expresse declarant illæ-literæ monitoriæ ad Colinium missæ paulò ante Lanienam Parisiensem quibus si paruisset non ita miserabili occisione cum suis periisset. vide *Thuan. hist.* l. 52. statim ab initio, p. 805, 806.

- (20. 2) *Hæc est prudentia seculi istius, quam politicam appellant: utile quod putant, non dubitant honesto præferre; quod utile judicant, necessarium esse statuunt, quod necessarium, licere: Rivet. in Exod. cap. 1.*

189

De legibus earum dispensationibus et indulgentiis.

Dispensationes in legibus humanis admittuntur propter legislatoris imperfectionem qui non satis providit omnia: proinde in legibus dei non habent locum cui nihil occultum; itaque dispensationes non possunt esse indulgentiæ ad peccatum sed honestissimis e causis natæ ipsæ proinde honestæ; alioquin indignæ prorsus quæ a deo concederentur: vide *Concil Trident*, quæ ab Joanne Verduno solide sunt disputata, p. 658, l. 7, edit. Lond.: adjungit dispensationem non esse aliud quam legis interpretationem. [xxviii.]

Contra Leges.——I re di Spagna severamente hanno proibito che a le Indie non possino passar avvocati e procuratori. *Boccalini* raggual. di Parnas. raggual. 79: lo studio delle leggi per editto assai noto non essendo tenuto per arte liberale, ma mestiere, ed arte veramente mechanica, nel mondo introdotta per affliggere il genere humano, etc.; *ibid.*: vide et Raggual. 72.

Vide et vitam Petrachæ a *Thomasino* Paduano scriptam, ubi Petracha juvenis legum studium averratur

Ne occorrerebbono tanti interpreti, ne tanti legulei che andassero con istiracchiamenti, or quà or là, torcendo la spada della giustizia divenuta di piombo schicherando tutto il giorno le carte con trattati e consigli e letture, e malanni, che hanno appestata l'Italia in guisa che voglionvi i magazzini di libri, e non vi resta piu capo e via di cosa alcuna, truovandosi in qual si voglia caso mille dottrine, mille pareri, mille decisioni, luna contraria all' altra fatte per interesse d'amicizie o di roba, o d'honore, e tirate per forza di sottigliezze d'ingegno, e d'astutie. *Pensieri di Tassone*, l. 7, quest. 8.

Scrive di piu anch'egli, che, hoggidi pure in Ruvo citta dell' Apulia, i dottori di leggi non possono entrar in consiglio, ne havere uffici publici. E. in Norcia terra dello stato Ecclesiastico quando s'entra in consiglio si grida fuori i letterati; e i effici (uffici?) non si danno ne a Dottori, ne a letterati; e con tutto cio quella terra nelle passate calamitose penurie che afflissero Italia si governò tanto prudentemente che negli abitatori di essa ne alcuna delle ville di quel distretto sentirono gli incomodi di cosi generale estrema. E. *Lilio Gregorio Girardo* in quel suo discorso che fece contra le lettere, scrive che i Velitresi fecero una volta uno statuto che letterato alcuno nella città loro non potesse havere ufficio. Il che secondo un altro scrittore decretarono similmente una volta i Lucehesi contra i dottori di legge. *Tassoni*, *ibid.*

Natural Equity in all cases cannot in any Law be comprised, but is oft times to be leaft to the religious arbitrement of men expert in matters of State. Bodin. Edit. Ang. Lond. L. 2, c. 5, pag. 226. [Lord Preston's writing.]

Libertas.

190

Non est ut urbs amore libertatis ducta quamvis præclara facinora meditetur, eam tamen amissam recuperet; ut Crescentio Nomentano antiquam Romanæ reipub. formam reducere conanti malè successit. *Cuspin.* Otto, 3; ut et postea Nicolao Rentio qui tribunus pleb. vocari gestiit.

Quid jurisconsulti de libertate et servitute statuunt, vide *Justinian*, l. 1, Institut. tit. 3.

Libertati favet jus civile: vide *Justinian*. Institut. lib. 1, tit. 6, § 2. de servo instituto hærede sine libertate, et § 5, causa manumissionis semel probata non retractetur: et vide *ibid.* l. 2, tit. 7, § 3.

Tyranni armorum studium in populo extinguere conantur. I re passati temendo del impeto de popoli havevano atteso a disarmargli et alienargli dagli essercitii militari, etc. *Guicciard*, l. 2, verso la fine.

Nobilitas.

A dei spiritu derivanda non a majoribus aut legibus humanis, ut excelso animo Romanus martyr nobilis apud Prudentium:—absit ut me nobilem sanguis parentum præstet aut lex curiæ, &c. Et deinde dei parentis esse ab ore cæpinus. cui quisquis servit, ille vere est nobilis. *Prudent*: peristeph: Romani Martyris supplicium.

Dantes Florentinus optime tractat de verâ nobilitate, canzon 4.

See *Chaucer* wife of Bath's tale, fol. 36, and Romant of the Rose, fol. 118.

And our English herald *Guillim*, though his office consist chiefly about titular dignity and gentry by birth, yet confesses, speaking of those whose first ancestors were raised for thire worth, that if they vant of thire linage or titular dignity and want thire vertues, they are but like base serving men who carry on thire sleevs the badge of some noble family, yet are themselves but ignoble persons, p. 410.

Dukes, Counts, Marquises, &c. were not hereditary at first, but only places of government and office in the time of Charles the great. *Girard*, Hist. France, l. 3, p. 163; l. 6, 316. [xxix.] and so continu'd without much difference between gentlemen and nobles till the time of Charles the Simple, about the year 900, when this corruption (for so the historian calls it, though himself a french lord) took beginning, and receav'd accomplishment afterward in the time of Hugh Capet. *Girard*, Hist. France, l. 6, p. 316: taking example from his usurpation, they made themselves proprietaries of those counties and dukedomes which they had as offices, not inheritances, idem. l. 6, 329, 330, except those who were natural lords, as of Normandy, Toulouse, Flanders, &c.; idem. p. 333.

Severitas.

193 Morum severitas ad regnum aut imperium captandum parum adjuvat. Sic Lambertus Severus integritatis cultor licentioribus sui sæculi moribus formidabilis Italiæ principibus minime acceptus est. *Cuspin.* in Berengario, p. 222.

2)

4)

De regibus Britannis inquit Gildas, ungebant reges, non f
 deum. p. 119. contra quam nunc vulgo existimant, quoscuq;
 scilicet reges dei unctos esse.

Si in principatu politico aliqua est servitus, magis proprio servus est qui pra
 est, quam qui subest: August. de Civit. Dei lib. 19. cap. 14.

Lenity of soueraygne prince toward those of their owne blood offending them and the
 nation dangerous to theire honour & profitable. Example of J. Bodin: Edit. Ang. Lond. 12. c. 5. p. 229.

Successio:
 Come dipoi si cominciò a fare il principe per successione, e non per electione subito cominciarono gli heredi
 a degenerare da i loro antichissimi, e lasciando l'opera virtuosa pensarono che i principi
 non havessero a fare altro che superare gli altri di fortuosità ed i lasciarla a dogmi
 altra qualità delittosa Machiavelli. discors. 1. 1. c. 2.

Si Vedrà ancora per la Istoria dell'istoria romana come si può ordinare un regno buono; perche tutti gli
 imperatori che succedono all'impero per heredità eccetto Tito, furono cattivi, quelli che
 per dotione, furono tutti buoni, come furono quei cinque da Nerone a Marco. 12
 Machiavelli. discors. 1. 1. c. 10.

What Calvin says of Magistrates appointed for the defence of the people, & to restrain the insolence
 of kings, as was the Ephors in Lacedaemonia, the Tribunes in Rome, & the
 Demarches in Athens, yet ought to resist and impeach their resolutions, y^e of
 the prince ought to be saved. He also speaks of Aristocrats & popular

Martin Luther declared to the Protestants in Germany y^e it was not lawfull for them
 to take up arms ag^t Charles y^e 6. the 12. c. 5. p. 225.

The keeping of great Princes prisoners dangerous. p. 229. — Example of J.
 In Reges qui recte regit, necessaria sunt duo haec, arma videlicet et leges, quibus utrumq; huiusmodi, bellum et
 pax, recte possit gubernari: utrimq; enim attendit indiget auxilio, quo huiusmodi militarij
 solitudo est, quo pax legibus armonum et profectio possit esse valde. p. 229.

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De Religione quatenus ad Rempub. spectat

Laudatissimos omnium inter mortales, eos esse qui vera Religione hominum mentes
 imbuunt, immo in etiam Laudatores qui humanis Regibus Regna et Respub.
 quatenus egregie fundarunt. Machiavel. Discors. Li. c. 10

Ecclesiastici et Politici regiminis confusionem, (cum scilicet magis
 minister ~~ecclesiasticus~~ ^{minister ecclesiasticus} Ecclesia, magistratum agit) et religioni et
 civilitati pariter esse perniciosam ostendit Dantes Doct.
 florentinus in purgatorio. Cant. 16.

Solera Roma, ch'è con mondo fo,
 Due soli have; che l'una è l'altre strada
 farcan vedere ~~ad~~ ^{ad} se del mondo, et di Dio
 Lun l'altre ha sponto; et è giunta la strada
 Col pastorale; et l'un è l'altre infomo
 per viva forza mal contrion che tradu:

proscò che giunti l'un l'altre non hano
 et paulo post.
 Di reggimai che la Chiesa di Roma
 per confonder in se due uogghioni
 cade nel fango; et se brutta, et la
 L. soma.

Opiniones hominum de Religione, oportere in Repub. ~~liberas esse~~ ^{liberas esse} vel sub bonis prin-
 cipibus liberat esse; quos dum laudat Machiavellus inter cetera bona
 inquit, videtur sub in tempora aurea. Iam ciascuno può tenere et di-
 fendere quella opinione che vuole. Discors. Li. c. 10

Machiavellus Religionem non hinc aut proinde. Bocalini, Caut. 2^a, Adv.
 86, — pag. 286 —

può tenere et difendere quella opinione che vuole. discors. l. 1, Vide
c. 10. Indicem
Theologi-
cum de
Religione
non
cogenda.

Mahometan Religion nothing but policy. Boccalini Cent. 2, Adv.
68, pag. 280. [Lord Preston's writing.]

Varius Reipub. Status.

198

*Machiavellus longè præfert Monarchiæ statum popularem, adductis
rationibus hæud inscitis, toto capite 58, l. 1, discors.—et l. 3, c. 34;
ubi disserit minus errare rempub. quam principem in eligendis magis- Ant. 195,
tratibus ejus aut ministris. § 4.*

*Reducere rempub. ad ipsam gubernandi originem vel bonas leges (16. 4)
ferendo vel magistratus in ordinem redigendo vel summam rerum ad
arbitrium populi revocando sæpe prodest: vide Machiavel. discors.
l. 3, c. 1; ubi ait saluberrimum id esse reipub. quemadmodum corpori
misto, etc.*

*Gynæocratium reprehendit longa oratione ac rejecit Jacobus (21. 4)
Kennedus Archiepiscopus Sanctæ Andreæ. Buchanan Hist. Scot.
Soc. L. 12, p. 403,^a Edit. Edinburg.*

Monarchia.

199

*Monarchy is a kind of Commonweale wherein the soveraign power
lyeth in one onely prince. Here is a soveraign who commandeth all
others, and himselje can bee commanded of none. Bodin. l. 2, c. 2,
Edit. Anglois, Londini 1606.*

*Hard for 2 princes to maintaine equal sovercignty together.
Examples of this. Vid. Bodin. p. 98. Romulus et Tatius, M.
Aurelius et Elius Verus made soveraigns by Antoninus Pius.*

Nulla fides Regni sociis omnisque potestas

Impatiens consortis erit.—Lucan Pharsal. lib.

*A Triarchie in a soveraigntie may bee firme but a Duancy not soe.
Idem.*

*This the reason of the division of the Roman Empire into East
and West. Ex eodem. See other examples of this, fol. 198.*

^a Milton has substituted 403 for 131.

Examples of sovereigne princes marrying sovereigne Queens, p. 199.

An example of the good government of a state by a Triarchy, taken from Pompey Cæsar and Crassus, p. 199. The like happened after the death of Cesar in the Triumvirate of Augustus M. Antoninus and Lepidus.

It is not a monarchy where the sovereignty is in 2 mens powers, neither can any government consist in that state if they fal at variance betwixt themselves. Idem.

A soverayne is either Lord of all, or a King, or a Tyrant, vid. plura ea p.

In a royal Monarchy the subjects obey the laus of a Monarch, and the Monarch the Laws of nature, their subjects engaging their natural libertie and proprietie of their goods.

The lordly monarchy is that where the Prince is become Lord of the goods and persons of his subjects by law of arms and lawfull warre, governs as the master of a family doth his slaves. The Tyrannical monarchy is where the prince, contemning the law of nature and of nations, injuriously abuses the persons of his freeborne subjects and their goods as his own: the same difference is found in the Aristocratiq and popular estates, p. 200.

The Lordly Monarch first amongst men. In Assyria under the power of Nimrod called a great Hunter, an Hebraisme for a great Thief. Idem.

Before his time was noe sovereigne.

The Huns coming from the furthest parts of Scythia brought the Lordly soveraignty of Monarchy into Europe, p. 202, vide: original of Seignuries ea. p.

A Lordly Monarchy proved noe Tyranny, p. 203.

Secundum JJ. Gentium non vero naturam.

Hoc apparet ex exemplo Jacobi Patriarche; vid. etiam pag. 204. Notam hanc P. et hanc.

Vulesis the definition of a Loyal Monarq cap. 3, p. 204.

Plinie junior addresses Trajan the Emperor thus. Principis sedem obtines ne sit domino locus, p. ead. De eis plura, ead. pag.

The true mark of a Royal Monarch, pag. 205.

Aristotle's definition of a King dangerous, pag. 206.

Aristotles opinion impugned that they are barbarous people whose Kings come by succession whilst at the same time Alexander was a King by succession deriving himself from Hercules. The Lacedemonians allsoe from the stock of the Heraclides and others &c. pag. 200.

From the Asiatics, Persians, and Egyptians all ancient learning derived, p. 206.

Five sorts of Kings reckon'd up by Aristotle pag. 206.

The power of Lacedemonian Kings described pag. 207.

The difference of Monarchs not to bee gathered by their means of coming to the State, but by their means of governing the State, pag. ead.

Of the Roman Dictators p. ead.

Antigonus the first of the successors of Alexander the Great who stiled himself King, p. 208.

Dangerous to soveraignes to cause their sons, whilst they themselves yet live, to bee crowned Kings with them except in elective kingdoms. Examples of it p. 209.

Dangerous allsoe to the people least their right of electing should soe passe into the form of succession pag. 210. [The whole of p. 199 is in Lord Preston's writing.]

Tyrannus.

200

Tyrant. This word derived from the Greekes was of the propriety thereof honourable, and in auncient time signified no other thing then a Prince who without the consent of the people had by force or fraud possessed himselfe of the State; and of a Companion made himself thire master whom they called a Tyrant although he were a right wise and just Prince. Bodin. l. 2^o de Repub. edit. Ang. Lond. Ao. 1606, page 210, cap. 4^o.

The best King described p. 211.

The greatest difference betwixt a King and a Tyrant given, page 212.

Tyrants slaine by effeminate and weake persons and never safe, page 213.

Qui plura de Tyrannis videre velit consulat vitas Timoleonis et Arati a Plutarcho conscriptas.

Tyrants allways infamous and detested. Tormented with feare of future infamie. Therefore Nero wished that when hee dyed nay whilst hee lived all the world might bee consumed with fire. For the cause Demetrius Polyorcetes to gratify the Athenians undertooke a warre for the defence of their Liberties that hee might bee honoured by their writings after his death. Several examples of Tyrants, p. 214.

Tyrants oftentimes hasten their owne death. Examples of this pag. eadem.

The happy Estate of a Royal Prince, 215.

Scipio Affricanus worthily prayed: ead. pag.

Alexander King of the Bactrians worthily lord of his subjects: pag. ead.

Plinie in his panegyricall oration of Trajan the Emperour concludeth his period thus: That nothing greater or better could be wished for to the Commonweale then that the immortal Gods would imitate the Life of Trajan. This excessive prayse though it savours of impietie yet proceedeth from the zeale of a most famous man towards his most excellent prince. At his going out and coming in all Temples were filled for his wellcome, and hee himselfe used to pray and covenant with the Gods that they should keep and preserve him if they saw it to bee for the good of the Commonweale. pag. ead.

Agesilaus King of Sparta was fined by the Ephori for having alone robbed the hearts and gained the love of all the Citizens to him. pag. ead.

Aristides surnamed the Just, p. ead.

Phalaris, Busiris, Nero, and Caligula, horrid tyrants, p. ead.

Necessary severity not to be accounted Tyrannie in a Sovereigne Prince, but to be much commended in him, p. 116: This position is

illustrated by the example of Cosmo de Medicis when he first tooke upon him the Dukedom of Florence, p. eád.

Severitie in a Prince more wholesome for a Commonweale than Lenity. Domitian an example of this. Nerva his successor an example of Lenity. Cicero calleth the Licentious libertie of the furious people near Tyrannie, pag. eád.

Divers causes inducing Princes to Tyrannie, pag. 217.

That a craftie and subtle man is a good King proved: pag. eád. The examples of this, Charles the Simple, or Charles doe nothing, of France, and the contrary effects of Francis the 1st his governement, p. eád. The lenity and immoderate bounty of Henry the 2d most hurtfull to France: pag. ead.

Pertinax his bounty, and Heliogabalus his youthfullnesse all most ruined the Roman Empire, p. 218.

The Emperours Severus of Afrike and Alexander Severus of Syria by severity reestablish'd the same, p. eád.

Charles King of Navarre the most wicked King of his time, p. eád.

Murthers even of evil and Tyrannical princes not to be rewarded but severely punished, p. 226.^a

Severus the Emperor put to death all the murtherers of Pertinax (Consule Herodanium).

Vitellius did soe alsoe with the murtherers of Galba: vid. alia exempla, p. eád. [The whole of p. 200 is in Lord Preston's writing.]

Monarchia.

201

Vid. Boccacini, Cent. 2^{da} Advertism^t the 6^a, pag. 176. Excellent rules for monarchs, pag. 181. [Lord Preston's writing.]

Athens.

202

Hee who doubteth whither there bee a God or not is not to be compelled with arguments but with severe punishments to bee

^a A mistake in the print for 228.

chastised. Bodin. Edit. Ang. l. 2, c. 2, de Repub. p. 224. [Lord Preston's writing.]

203

De Aristocratia.

Vid. Trajano Boccalini Advertisem^{ts} from Parnassus. Cent. 2^{da} Adv. 6^{ta} p. 176. [Lord Preston's writing.]

204

Judex et Judicium.

Criminatio et misericordia et Ira et hujusmodi animi perturbationes non de re sunt sed ad Judicem. Quod si in omnibus Judiciis eveniret, quemadmodum in nonnullis etiam nunc evenit civitatibus, maxime vero in iis quæ bene sunt institutæ, nihil haberent quod dicerent. Omnes enim partim arbitrantur sic leges cavere: partim hoc institutum retinent et prohibent extra rem dicere; ut etiam in Areopago, recte sic statuente. Non enim oportet Judicem pervertere, ad Iram excitando, vel invidiam, vel misericordiam; quia id simile est ac si quis qua usurus est regula eam reddat perversam. Aristot. l. 1, Art. Rhet. cap. 1^o.

Vide quæ Judici in Judiciis sunt relinquenda. Eod. cap. 513. [This page is Lord Preston's writing.]

205

Democratia.

Boccalini. Cent. 2^{da} Adv. 6^{ta} pag. 176. [Lord Preston's writing.]

220

Census et Vectigal.

Foderum, parata, et mansionaticum tributa erant a Carolo magno Italis imposita quibus ille jus suum in eos quoddam significari voluit. Vide Sigon. reg. Ital: l. 7, 175 p.; hinc fortasse regibus Angliæ quæcumque per loca iter facientibus tributum ejusmodi solvitur. [Small writing.]

Fifteens and subsidies what they are. See Camden Elizab. p. 80.

The cruel tribute exacted by Hardiknut to be given to his shipmen Stow speaks of: and his end was answerable. [xxxi.] Sto. 94.

*Tom. 2^{to}
edit.
Parisiis
1629.*

(In margin—the exaction of Hardiknute was thought to be devised by Godwin on purpose to bring him in hatred with the people.) Read also the storie how K. Ed. Confessor saw the devill dauncing on the heap of monie exacted from his subjects, whereon he sent all back to the owners. *Sto.* p. 95. Against unjust exactions with intent to enrich the K's coffers Canutus the dane inveighs. *Speed* in his life. [xxxii.]

And Harold harefoot by exacting ship monie lost his subjects love. *Speed* in his life.

Peeter pence ordain'd to be given to the Pope by Inas the west-saxon the ignominious price of our damnation. vide *Leges. an[d]* Holinshed, l. 6, c. 1. disanull'd by the noble Edward 3. *Stow*, an. 39. but after by others permitted. *Holinsh.* p. 397 till Hen. 8.

King John lost his subjects love by taxing and powling them: *Holinsh.* p. 161, and the Black Prince lost the love and obedience of his subjects in Guien by raising fuage. *Holinsh.* p. 400, &c. Rich. 2 a farmer of his kingdom. *Holin.* 496.

Promooters and exacters worthyly punisht in beginning Hen. 8. an. 1. *Sto.*; a good course also taken by Hen. 3^d to the same effect, wherby punishing those that had bin fraudulent under him in his offices by fines and accounts taken of them he spar'd his honest subjects of a subsidie. *Holinsh.* p. 215: See also the moderations of Elizab. *Camd.* p. 107 et vol. 2, p. 21.

Commissions out of Parliament devis'd by Wolsey demanding the sixt of every mans goods. *Holinsh.* p. 891, without the knowledge of the K., which caus'd divers commotions, the which the K. knowing the cause thereof instantly pardon'd, utterly disavowing the unlawfull oppression of his commons.

Tributum a meretricibus corradī solitum, quod Chrysargurum vocabatur, præclaro consilio et commento sustulit Anastasius imp., ut fusè narrat *Evagrius*, l. 3, Hist. Eccl. c. 39. [Small writing.]

That no King or prince hath power to raise a penny on his subjects without their consent, *Comines* a great statesman and

courtier affirms, and answers the common objections that the cause may be suddain and secret. *Memoires*, 5. l. p. 403, &c.

Subsidies granted with condition not to be spent at the pleasure of the prince, but by order and appointment of certain L'ds appointed by the Parliament by them to be receav'd and kept. Rich 2. *Holinsh.* 452. (and in other page^a) which also K. James of his own accord offer'd to the parliament in thire aids to be gather'd for recovery of the palatinat. *Chesne*, *Hist. D'Angle*, p. 1178, 1179.

Quodvis mare non liberum solitos enim εὐφημείσθαι imperatores Constantini urbis a navibus per fauces Ponti prætereuntibus testatur *Gregoras Nicephorus*, l. 5, c. 3. [Small writing.]

What the revenews of the custom house were to Q. Eliz., see *Camd. Eliz.* vol. 2, p. 21. Vide *Rex. Angliæ*, 186.

Moderation in exactions, or subsidies gains more then rigor. seen in the Londoners forwardnes. *Sto. Eliz.* in 88, and by the subsidies granted. *Camden*, p. 55, vol. 2. et 56.

Populus bene nummatus quietior; interest ergo regis ut ne populum exactionibus ad paupertatem redigat quandoquidem inopiæ si qua res alia Anglos in rebellionem præcipitat; ut ait, inter alios. *Camden*, *Eliz.* vol. 2, p. 224.

221 *Rapina, seu extorsio pub. vide Papa 42 in Indice altero.^b*

William Rufus an extreme powler of his subjects, insomuch that he durst compell certain converted Jews to forsake the faith of Christ beeing brib'd to that purpose by other Jews with a summe of mony: but see the wise and godly answere of a converted Jew to him wherwith he was confounded. *Holinsh.* p. 27. King Ri. 1. to maintain his warrs unholilie in the holy land, p. 119, 120, and p. 143, 144. other devises, p. 145: after his coming home. beside that of the seale lost with prætence of necessity to seale

^a These words are in the margin.

^b This clearly refers to another Commonplace Book.

again: this device of a new seale to bring in new fees; Hen. 3^d also practis'd a trick more befitting a cheater then a K. for which he is boldly reprov'd of his nobles, p. 240. feins also a feare of warr in Gascoigne from the Castilians, 249. and through his whole reigne an improvident spender and shamlesse exactor, 253. another shift, 251, 253. *Holinsh.* p. 208, 209.

Richard 2 a continual poller. see 185 of this table, also *Holinsh.* 496. Henry the 7th not free of this fault in his latter days: *Holinsh.* 791, by Empston and Dudly, p. 794. His policie by shew of warrs to raise monie. Henry the 8 lesse touch't with this fault then his prædecessors, disclaiming like a noble prince the exactions devis'd by Wolsey without his privy. *Holinsh.* p. 892. *Speed*, 713 *infra*.

Emston and Dudly, see *Speed*, p. 762, thire deaths, *Speed*, 766.

Hen. 3. A catalogue of the supply's, exactions, and wastings of Hen. 3. *Speed*, p. 537. ending in a most beggerly humor of inviting himself to feast on others cost, where to his diet he must be præsentèd and his queen and son with guifts, if they would please him. *Speed*, p. 540.

By a noble ladie, Countess of Arundel, gravely reprov'd. *Speed*, p. 542.

Hen. 7 making of intendments for just and necessary warrs, and thereupon demanding and obtaining great summs of his subjects, with a small parts therof florish't over a seeming præparation, and the remainder therof (peace insewing which he always foreknew how to bring about) was clearly his own without account, an unkinglik paltering wch should be provided against in such cases by parliament. *Speed*, p. 752.

Commotions for these reasons want not a stout captain, as a plebeian wittily answer'd the duke of Norfolk (sent against the commons in Suffolk and asking that who was thire captain) that Poverty was thire captain with his cozin Necessity. *Holin.* p. 891. Hen. 8.

230

Pestilentia.

Pestilent: divinitus immissa temporibus Justiniani, in quâ immanes quædam demonum formæ in obvios quosque grassantium apparebant, qui etiam per somnum nonnullis dicerent se quoque esse eorum in numero qui essent morituri hac peste. *Procop*: persic: l. 2. [Small writing.]

240

Gymnastica.

Giostro et torneamento—Ludi equestres a latinis inventi quorum leges et morem describit Niceph. Gregoras. l. 10, c. *περὶ γυμνασίου τοῦ βασιλέως Ἰάκωβου τοῦ νέου*. eos ludos Sabandi nobiles primum Græcos docuerunt, ut testatur *Cantacuzenus*, l. 1, c. 42.

Damnatur ab Innocentio Pontifice, *Sipon*: l. 11. de rega. Ital: 273. et ab Eugenio. p. 283. [All small writing.]

241

Spectacula.

Tertullianus, in eo libro quem de spectaculis inscripsit, damnat eorum usum, et Christianis occludit, nec vero tantum argumentis agit (quæ solos ethnicos ludos convellunt) ut cauti et prudentis Christiani animum religione obstringere debuerit, quo minus poema aliquod dramaticum a poetâ non imperito concinnatum spectare ausit; illud tamen optime facit in epîlogo libri ut mentem Christiani ad meliora h. e. divina et celestia spectacula (quæ tot et tanta homo Christianus animo præcipere protest de adventu Christi, de futuro iudicio, densis coloribus contortis incitaverit. eundem prorsus lapidem volvit *Cyprianus* seu quis alius libro eadem de re composito tom. 3. Et *Lactantius*, l. 6, c. 20 argumentis nihilo firmitioribus rem scenicam universam in vitio ponit: nec semel quidem cogitasse videtur, corruptelas quidem theatricas meritò tolli debere, omnem autem idcirco rerum dramaticarum usum penitus aboleri nihil necesse esse, immo potius nimis insulsum esset; quid enim in totâ philosophiâ aut gravius aut sanctius aut sublimius tragœdia recte constitutâ; quid utilius ad humanæ vitæ casus et conversiones uno intuitu spectandos?

idem etiam capite sequenti totam artem musicam videtur e medio sublatam velle.

De disciplinâ militari.

242

Res nautica. Edgar's noble custome to defend the coast with his yearly navie. [xxxiii.] K. Ed. the 3. commandment for the exercise of arms in every shire. *Stow*, Ed. 3, an. reg. 17.

Q. Elizabeth's excellent care to furnish her fleet with implements out [of] her own country, *Camd.* 70.

Si magistratus duci exercitus eruptionem, aut pugnam certo cum periculo omnium imperabit, videtur ex officio imperatorio esse sententiam suam explicare, sin magistratus belli expers obstinatius instabit, non tamen imperator honorificum est suum exercitum unius vel etiam populi ob inscitiam et pertinaciam perdere; exemplum vide in Malatesta qui dictatori Florentino perniciosâ suadenti parere noluit. *Jovius*, l. 29, p. 170, &c.

Justice and abstaining from spoile in the armie of Hen. 5. *Holinsh.* p. 552. And the benefit therof. *ibid.* et 560.

Selymi milites etiam post victoriam adeo severis disciplinæ legibus in officio permansere ut in fertilissimo autumnio horti sine custodibus tuto relinquerentur. *Jovius*, l. 17, 359.

Militum libidini obtemperare duces non debere, qui ad verum militiæ decus adspirent, et à justâ generosi animi probitate famam quærant, latrocinantiumque militum inmanitatem abominentur; et reliqua; apud *Jovium*, l. 12, quæ Prosper Columna ad Bergomum in Castris egregie concionatur.

The vantgard due to the Kentish men by ancient custome. *Speed* in Harold, p. 416.

Avaritia quantum in bello noceat. vide *Avaritia*.

Quoniam populum universum in armis exerceri ad seditiones et tumultus periculosum est, idcirco delectos quosdam fide et moribus per singulas provincias paucos privilegiis quibusdam militaribus ornatos ad arma tractanda instructos esse oportere monet *Sesell.* de repub. Galliæ, l. 2.

excipi-
untur pro-
vinciæ ad
fines sitæ:
infra.

The English standard: that of Harold was wrought with gold and precious stones in form of an armed man. *Speed*, p. 435, hist. Edward 3 at Cressy erected his standard of the dragons gules. *Speed*, p. 590.

Of Castles whether profitable in England. see *Holinshed* description of England, 2 book, c. 14.

And of fortifications in general. Che le fortezze generalmente sino molto piu dannose che utili discorre Machiavell. discors. l. 2, c. 24. [By the same hand as the Note from Macchiavelli, p. 195. See Autotype.]

Quæ regiones aut provinciæ ad fines regni sitæ sunt, iis non solum omnibus armorum usus et assidua exercitatio permittenda est sed etiam præmiis et immunitatibus ad bellicas artes incitandi sunt: *Sessel* de repub. Galliæ.

The office of Knighthood *Harding* sets out in Arturs round table to use thire bodies to defend where law would not redresse. Cronicle in Arture.

Provision for souldiers after the warrs to be consider'd. *Spenser*, dialogue of Ireland from p. 84, &c.

(13. 1 & 2) *Meliusne sit inferre bellum an expectare hostem disputat Machiavellus discors. l. 2, c. 12.*

Aut. 195, § 4 & 5. *Peditum robur longe plus in bello valere quam equitum disserit Machiavellus Discor. l. 2, c. 18.*

243

De Bello.

Not to be furnish't out by rapine and pilling the people. as that voiage of R. the first to the holie land most unholily set out with monie dishonorably and impiously got: see *Holinsh.* R. 1, p. 119, 120.

Of holy warre as they call it. to fight with Turks, and Saracens, See *Gower*, l. 4, fol. 61, 72.

Militia mercenaria quâ quis mercede conductus cuilibet opem fert, damnatur a Zuinglio, *Sleidan*, lib. 3, p. 36 et l. 4, 60, et a repub. Bernensi, *Sleidan*, l. 6, p. 89.

Victoria non in viribus aut peritiâ militari sita est, sed ut, qui bellum suscipit, deum propitium habeat. præclare itaque Trajanus dux ad Valentem imperatorem qui eum dictis incesserat eo quod contra Gothos missus cum exercitu male pugnasset. οὐκ ἐγὼ, inquit, ὦ βασιλεῦ ἤτημαι. tu autem victoriam prodidisti qui deo bellum infers: nam Arrianus erat Valens. *Theodorit*, hist. l. 4, c. 29, vide et c. 30.

Moderate and Christian demeanour after victory, see in Hen. 5 after the winning of Harflew.

Divitias. esse belli nervos negat Machiavellus; et vulgi ea de re (13.1&2) *opinionem refellit, discors. l. 2, c. 10.*

Non esse cujusvis reipub. fines imperiî bello proferre aliasque gentes in suam ditionem redigere, immo periculosum esse nisi et illa reipub. probe instituta sit, et illi novi imperiî acquisitio recte administretur, prudenter ostendit *Machiavellus*, discorsi l. 2, c. 19. [Doubtful.]

De bello Civili.

244

The danger of calling in forraïne aids, besides the storie of the Saxons and Danes comming in, is evident by the purpose of Lewis reveal'd by the Count of Melun to the Barons of England. *Holinsh.* p. 193. also by his and his Frenchmens carriage toward the English. *Holinsh.* p. 197, 198.

Germani principes Cæsari fidem officiumque renunciant religionis ergo quam ille evertere conatus est. vide Sleidan, l. 17, p. 296, &c. [xxxiv.] Vide de Rege, 186.

Et Galli protestantes de sententiâ suorum ministrorum, &c. vide Concil Trident. p. 408, Thuanus. hist. l. 24, p. 732, et Jurisconsultorum et Theologorum et Scoti ecclesiæ reformatores, Thuan. hist. l. 21, p. 647.

Erat et Magdeburgicæ obsidionis tempore scriptus liber et in Galliâ denuo editus an. 1574 multis rationibus et exemplis amplificatus, in quo licere ostenditur subditis vim etiam a magistratibus extra leges illatam vi repellere. *Thuan.* hist. l. 57, p. 909.

Vide
Ecclesia.

Bellum non religionis causa cuiquam inferre se Tyranni simulant, sed in quosdam sub eo obtentu sibi rebelles. Carolus 5^{us} multas protestantium civitates his insidiis decepit, atque ab armis continuit. *Hist. Concil. Trident.* l. 2, p. 179. [xxxv.]

Iis qui religionis causâ se armis defendunt multi se aliis de causis non optimis callide se adiungunt. *Concil. Trident.* p. 408.

245

De Fœderatis.

Our league and union with the Scots a thing most profitable, and naturall, ever by the Pope sought to be hinder'd. See *Ascam's Toxophilus*, l. 1, p. 38.

by the Cardinal of Scotland. Speed, p. 794.

Newhaven. De fœdere cum protestantibus quibusvis non omnia speranda: ut de illis rebus quæ ad Franciscopolim transvecta^a sunt com-
pertum est. Camden. Elizab. 82. et passim cum Anglis astute actum qui Henrico 4^{to} suppetias tulerunt, periculis maximis objecti, huc illuc raptati, vide ubi Essexius ad Rothomagum castra ponit, et Norrisius in Britanniâ. *Cam.* vol, 2, 49, 50. sed et prioribus expeditionibus videre est, ex quo rex ille Anglorum auxilia petiit. apud *Camden*, et vol. 2, p. 61, 64, 65, 77, 89, 90.

Hollandi operam Anglis pulchram navant, pontificiorum Hispanorum classe profligatâ quæ Anglorum ad res turbandas erat ab Albano instructa. *Camden* Eliz. p. 232. Arausionensis consilia Joannis Austriaci de invadendâ Angliâ detegit Elizabethæ, quæ vix dum aliquid de istâc re presenserat. *Cam.* Eliz. 267. Vide et *Camden* p. 274, Elizab.

Ed. 6 aids the protestants abroad. *Hayward.* Ed. 6, p, 115.

(13. 1)

Che si possa fidere più d'una Confederatione o lega fatta con una repub. che di quella fatta con un principe dimostra Macchiavell. discors. l. 1, c. 59.

^a This word is doubtful. It may be *transacta*.

De Seditione. Vide Idololatria^a et Ecclesia^a et bello civili. 246

Contra eos qui rem evangelicam per seditionem et tumultum promovere aggrediuntur, pulchrè Lutherus apud *Sleidan*, p. 69, l. 5.

Contra omnem seditionem sanctissimè et prudentissimè tum ad plebem tum ad magistratum scribit Lutherus ubi causas pariter seditionis recidant, illi patienter expectando et arbitris dilectis rem pacatè transigendo magistratus opprimere expilare, divexare crudeliter populum tandem si desinat. *Sleidan*, l. 5, p. 71, &c.

Cæsar protestantium procères se defendentes multis criminibus onerat, rebellione scil., et magistratus contemptu, &c. *Sleidan*, l. 17. 292, 293, &c. ut hodie fit. [xxxvi.]

Populi tumultus libertatis-recuperandæ occasio sæpe fuit, ideoque nec reprehendendi, quia justus ob causas et quærelas plærunque fiunt. teste Machiavello. Io dico che coloro che danno i tumulti tra i nobili et la plebe, mi par che biasimino quelle cose che furono prima cagione di tenere libera Roma perche buone leggi nascerano da quei tumulti, &c.: discors. l. 1, c. 4.

De urbe obsidendâ et obsessâ.

247

Quo modo Hicardus Brixiam undique oppugnatam defenderit paucis militibus contra duos exercitus, vide *Jovium*, l. 18, p. 349.^b

Quo modo Veronam M. Antonius Columna adversus Gallos et Venetos defenderit, vide *Jovium* lib. 18, 397, &c.

Tyrannies.

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Utrum liceat à tyranno deficere.—Rinaldo Conte de Caserta havendo (21. 10) Manfredi re di Napoli comesse adulterio con la moglie del Conte, mandò a Roma al papa e al Re Carlo d'Angioia che vi furono insieme

^a These titles are not in the volume.

^b A misprint in the printed volume; it should be p. 394.

un suo amico che proponesse avanti al Collegio si era lecito ad un vassallo, in tal caso risentirsi del suo re e mancargli di fede; il che fu deciso e da cavaglierie e da letterati, che come il vasallo e tenuto spendere la vita e'l sanque per lo re suo, così a l'incontro il buon re e tenuto d'osservare leanza col vassallo; e offendendolo in così atroce inguria e lecito al vassallo mancargli di fede; per che in tal caso il re perde il titolo di re e si veste il nome di tiranno. Angelo di Costanzo. histor. di Napoli, l. 1, p. 16.

Whither it be lawfull to lay violent hands upon a Tyrant, and after his death to disanul all his acts, decrees, and laws. Vid. Bodin. de repub. Edit. Ang. Lond. A^o. 1606, cap. 5, lib. 2, page 218.

A Tyrant defined, pag. eád.

If a subject will invade or take upon the State of a King by any means whatsoever, bee hee good or bad, the laws of God and man pronounce it lawfull to kill him, p. 219.

The Valerian Law published at the request of pub. Valerius Publicola and which make it lawfull for any one to kill a Tyrant, and after the fact to bee tryed, and the Law of Solon which forbids the killing of a Tyrant without form of Justice compared, pag. eád.

Whether a lawfull Prince tyrannizing may of his subjects be lawfully slaine or not. It is lawfull to slay him who is not absolute sovereign, but him who is it is not, p. 212.

A Prince tyrannizing may by another strange Prince be lawfully slaine, p. 220. Examples of this, Hercules, Moses, &c.

That it is not lawful for subjects either by way of fact or justice to attempt anything against the honour life or dignity of their sovereign Prince, bee [he] never so evil or wicked, proved p. eádem.

Treason: the thoughts of it punish'd with death. Examples out of sacred and profane story, p. 223. Examples of two French Gentlemen; of Nabuchodonosor, and Saul, Jehu, 224.

The Essei the most learned men amongst the Jews (their name imports the true execution of the law of God), their opinion of the sacredness of Sovereignes, p. 224.

Diogenes the Cynique, his discourse to Dionysius the younger, then living in exile at Corinth; with the miserable condition of Tyrant whilst hee lives, described, p. 226.

The policie of some Tyrants to avert from themselves the peoples rage exemplified in several persons, p. 226.

If the Conspirators begin their fury at the person of the Tyrant, then his whole family is usually rooted out, p. ead.

Cicero questions whether a good man ought to come into the Councel of a Tyrant consulting even of good and profitable matters; p. 227. The question solved, p. ead.

That not only the good acts and decrees of Tyrants but even their evil acts and decrees alsoe are oftentimes of necessity after their deaths to be retained in a Commonweale, p. 227.

It is the opinion of Lawyers that the successors of Tyrants are bound to all their predecessors have justly promised or done, but not to the rest, p. ead.

Constantine the Empereror abrogated such things as Lycinius had unjustly decreed, but confirmed the rest. The like was done by Theodosius the younger and Arcadius the Emperours after the death of the Tyrant Maximus by their hands.

Quæ Tyrannus contra jus rescipsit non valere præcipimus: legitimis ejus rescriptis non impugnandis. pag. eadem. [All in this page except the first entry is Lord Preston's writing.]

De re nauticâ et naufragiis. De littoribus etiam et mari.

249

*Quid genus hoc hominum quidve hunc tam barbara morem
Permittit patria? hospitio prohibemur arenæ.*

Æneid. 1. l. [540].

Gripus the fisherman and Truchalio the slave as they were brought upon the stage by Plautus quarelling about a bagge found in the sea.

Gr. Mare quidem commune certo 'st omnibus. Tr. assentio.

Quâ minus hunc communem mihi queso orportet esse vidulum? In mari inventum est. Commune est. In Rudente. Act. 4º.

*Latona alloquens rusticos Lycios sic ait apud Ovid. Metam.
lib. 6°*

*Quid prohibetis aquas? Usus communis aquarum est,
Nec solem proprium Natura nec aera fecit.
Nec tenues undas. In publica munera veni
Littusque rogamus*

Innocuum et cunctis undamque auramque potentem.

Æneid. l. 7. [229].

Phernecides etiam apud Athenæum Dipnosoph. 8, ait

*Την μὲν θαλασ[σ]αν κοινὴν εἶναι. [All the above and the
second heading at the top of the page are Lord Preston's writing.]*

- (25) *The evil custom in England of seiseing all shipwrack as forfeit
to the Lord of the Mannor or the inhabitants of that shoar where the
ship was wrakt, was also among the Greeks of Constantinople, but
condemn'd and forbidden by a severe edict of Andronicus Comnenus
the Emperour, though otherwise a most cruell tyrant. See Nicetas
Choniates in his life, page 209th of his history. Edit. Paris, fol.*
-

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PROLUSION AND VERSES PRESUMED TO BE BY
JOHN MILTON.

MANE CITUS LECTUM FUGE.

es Milton. Tritum est vetustate proverbium "diluculo surgere saluberrimum est," nec sane minus verum quàm antiquum: etenim si ordine supputare conabor hujus rei singulas utilitates, opus ardui laboris obire videbor: surge igitur, surge, deses nec semper teneat te mollis lectus; nescis quot oblectamenta præbet aurora. Oculos delectare cupis? aspice solem purpureo colore orientem, cælum purum et salubre, herbescentem agrorum viriditatem, florum omnium varietatem. Aures juvare velis? audi argutos auium concentus et leves apum susurros: naribus placebis? non satiari possis suavitate odorum qui è floribus efflantur. Quod si hæc non arident, rationem salutis tuæ aliquantulum quæso ducas; quippe summo mane cubitu surgere ad firmam corporis valetudinem non parum conducit, studijs vero aptissimum est, tunc enim in numerato habes ingenium. Præterea boni regis est non somno immodico corpus saginare, et vitam feriatam et laboris vacuum transigere, at reipublicæ cum nocte tum die consulere ut argute hortatur Theocritus

Οὐ χρὴ κωμᾶσθαι βαθεως

Et apud Homerum sic somnus alloquitur Agamemnonem,

Εὐδεις Ἀτρεὺς νιὲ δαέφρονος ἱπποδάμοιο

Οὐ χρὴ παννυχίον εὐδειν βουλήφορον ἄνδρα.

Quam ob causam fabulantur poetæ Tithonum et Cephalum Auroræ amasios fuisse? nimirum quod somni parcissimi fuere, et, relicto cubili, agros pictos, et herbis multi-coloribus vestitos obire soliti sunt. Sed ut somnolentiam adiciat extirparem ut nullum ejus vestigium relinquerem, incommoda innumera quæ ab illâ omnibus manant nudare

aggrediar. hæc ingenium vegetum hebetat, et obtundit et memoria quam plurimum officit; ecquid turpius esse possit quam in multum diem stertere et maximam vitæ tuæ partem morti tanquam sacrare? At tu, qui summæ rei præes, tuum est potissimum vigilias agere, et somnum arctiorem obrepentem penitus discutere; multi enim hostes somno gravi pressos et quasi sepultos adorti occisione occiderunt, et tantam stragem ediderunt, ut aut visu aut auditu miserabile sit. Millia hujusmodi exempla, quæ inexhausto stylo narrare potui, mihi suppeditantur. At si Asianam illam exuberantiam imitabor, profecto vereor ne miseros auditores tædio enecabo.

CARMINA ELEGIACA.

Surge, age surge, leves, jam convenit, excute somnos,
Lux oritur, tepidi fulera relinque tori;
Jam canit excubiter gallus prænuncius ales
Solis et invigilans ad sua quemque vocat;
Flammiger Eois Titan caput exerit undis
Et spargit nitidum læta per arva jubar;
Daulias argutum modulatur ab ilice carmen,
Edit et excultos mitis alaunda modos;
Jam rosa fragrant spirat silvestris odores,
Jam redolent violæ luxuriatque seges;
Ecce novo campos zephyritis gramine vescit
Fertilis, et vitreo rore madescit humus;
Segnes invenias molli vix talia lecto
Cum premat imbellis lumina fessa sopor;
Illic languentes abruptunt somnia somnos,
Et turbant animum tristitia multa tuum;
Illic tabifici generantur semina morbi
Qui pote torpentem posse valere virum:

Surge, age surge, leves, jam convenit, excute somnos,
Lux oritur, tepidi fulcra relinque tori.

Ignavus satrapam dedecet inclyt[um]
Somnus qui populo multi-fido præest.
Dum Dauni veteris filius armiger
Stratus purpureo p buit,
Audax Eurialus Nisus et impiger
Invasere cati nocte sub horrida
Torpentes Rutilos castraque Volscia;
Hinc cædes oritur clamor et absonus.

In the first and nineteenth lines the word *excute* has been substituted for *arcere*, which word seems originally in each case to have ended the line. In the fifteenth line the word *somnum* has been altered to *somnos*. In the twenty-fourth line portions of the paper (which is very much decayed) are torn away, and the verse is necessarily now imperfect.

CORRIGENDA.

p. 2, line 10 from foot. For "*conquista rela*" read "*conquistare la*."

p. 3, line 11 from foot. For "*severibus*" read "*sororibus*."

pp. 9 and 10. For "(16. 4)" read "(13. 1)."

p. 17, line 6. For "*divertio*" read "*divortio*."

—— in the note. For "*Masch*." read "*Mosch*."

p. 19, line 8. For "*paupertus*" read "*paupertas*."

—— line 2 from foot. For "*alcum*" read "*alcun*."

—— Under "*148*" in the margin add "(13. 1)."

p. 28, line 6. For "*αυτῶ*" read "*αυτῷ*."

—— line 14. For "*subditus*" read "*subditos*."

p. 36, line 10 from foot. For "*averratur*" read "*aversatur*."

p. 45, line 3 from foot. For "*Athens*" read "*Atheus*."

—— line 9 from foot. For "*Herodanium*" read "*Herodilianum*."

p. 50, line 8. For "*torneameno*" read "*torneamento*."

p. 61, line 2 from foot. For "*adicitùs*" read "*radicitùs*."

p. 65, col. 2, line 4. For "(146)" read "(148)."

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REFERENCES TO SOME PLACES IN MILTON'S WORKS WHERE HE
HAS UTILISED ENTRIES IN THE COMMONPLACE BOOK.

- [i.] p. 13. The people saith Malmsbury learned . . . of the Danes drunkenness. Hist. of Brit., Edgar, p. 542. Hardecnute . . . while he was drinking fell down speechless, and so dying, &c. He was it seems a great lover of good cheer, sitting at table four times a day. Hist. of Brit., Hardecnute, p. 553.
- [ii.] p. 53. The likeliest means to remove hirelings out of the Church, p. 433.
- [iii.] p. 58. That notorious ribald of Arezzo . . . whom Henry VIII. named in merriment his Vicar of Hell. Speech for the liberty of unlicensed printing, p. 108.
- [iv.] p. 72. Edwin . . . by the due administration of Justice wrought such peace over all his territories, that from sea to sea man or woman might have travelled in safety. Hist. of Brit. p. 519.
- [v.] p. 72. Thieves and robbers he (Edgar) rooted almost out of the land. Hist. of Brit. p. 542.
- [vi.] p. 73. Milton tells this story at length in the Hist. of Brit. p. 539.
- [vii.] p. 74. Hist. of Brit. p. 542.
- [viii.] p. 75. Hist. of Brit. p. 552.
- [ix.] p. 76. After mentioning Luther being cited before Charles V. to answer for his books and refusing to retract, as told by Sleidan, and commending Luther's righteous anger, Milton says "that the spirit of God . . . when he would reprove any fault severely . . . abstains not from some words not civil at other times to be spoken." And a little further on "indignation against men and their actions notoriously bad, hath leave and authority oftentimes to utter such words and phrases, as in common talk were not so mannerly to use." Apology for Smeectymnus, p. 84.
- [ixa.] p. 109. Reformation in England, p. 8.

naturally domestic prerogative to an external and unbefitting judicature.

Doctrine and Discipline of Divorce. Cap. 21.

[xi.] p. 112. These references are worked up in "Exposition in the four chief places in Scripture which treat of nullities in Marriage," f. 210.

See also Doctrine and Discipline of Divorce, cap. 8. f. 132.

[xii.] p. 116. See "Exposition on the four chief places," &c. p. 185.

[xiii.] p. 150. See The likeliest means to remove Hirelings out of the Church, p. 434.

[xiv.] p. 179. For a remark against Law French, see On Education, p. 99.

[xv.] p. 179. He (Offa) granted, saith Huntingdon, a perpetual tribute to the Pope out of every house in his kingdom for yielding perhaps to translate the primacy of Canterbury to Litchfield in his own dominions.

Hist. of Engl. book 4, p. 527.

[xvi.] p. 179. See The Tenure of Kings and Magistrates, p. 233.

[xvii.] p. 180. Hist. of Brit. p. 555.

[xviii.] p. 182. Observations upon the Articles of Peace, p. 263.

[xix.] p. 185. See The Tenure of Kings and Magistrates, p. 237.

[xx.] p. 185. This passage from Sir Thomas Smith is quoted in The Tenure of Kings and Magistrates, p. 237.

[xxi.] p. 185. Ibid. p. 237.

[xxii.] p. 185. Ibid. p. 238. But here Milton cites De Thou instead of Buchanan.

[xxiii.] p. 185. And the Commons requested to have judgment decreed against him, that the realm might not be endangered. Ibid. p. 237.

[xxiv.] p. 185. Ibid. p. 237.

[xxv.] p. 185. Observations on the Articles of Peace, p. 265.

[xxvi.] p. 186. The Tenure of Kings and Magistrates, p. 233.

[xxvii.] p. 188. Ibid. p. 238, citing Buchanan.

[xxviii.] p. 189. Doctrine and Discipline of Divorce, cap. 5, p. 141.

[xxix.] p. 191. Tenure of Kings and Magistrates, p. 237.

[xxx.] p. 195. Id. p. 237.

[xxxi.] p. 220. Hist. of Brit. p. 553.

[xxxii.] p. 220. Ibid. p. 551.

[xxxiii.] p. 242. Ibid. p. 541.

[xxxiv.] p. 244. Tenure of Kings and Magistrates, p. 238.

[xxxv.] p. 244. Answer to ΕΙΣΩΡ ΒΑΣΙΛΙΚΗ, p. 305.

[xxxvi.] p. 246. Ibid.

